



Appeal Decision

Site visit made on 24 January 2024

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2024

Appeal Ref: APP/C5690/W/23/3327750

24 Honor Oak Park, Crofton Park, Lewisham, London SE23 1DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Lorriea Walcott against the decision of London Borough of Lewisham.
 - The application Ref DC/22/129159, dated 8 November 2022, was refused by notice dated 7 March 2023.
 - The development proposed is conversion of existing dwelling into two flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. Consequently, this update to national policy does not fundamentally alter the main parties' cases or prejudice their position at appeal, and it is not necessary to seek further comments.
3. The reasons for refusal on the decision notice specify the elements of the proposal which the Council considers would be harmful to the character and appearance of the area and to the living conditions of neighbouring occupiers. I have taken this into account in defining the main issues.
4. The appellant has confirmed that Flat 1 would be a one-bedroomed, one-person flat and not a one-bedroomed, two-person flat as had been indicated in the planning application. I have taken this into account as part of my assessment.
5. There are errors on the proposed drawing that was before the Council, namely the annotations on 'Proposed Section AA' do not correspond with the position of rooms shown on the floor plan for 'Flat 1'. Furthermore, the 'north-east' side elevation does not depict the extent of the rear roof extension that is indicated on the corresponding floor plan and other side elevation. Even so, the drawings provide sufficient detail for me to be able to consider the main issues.
6. Amended proposed elevations are before me which I understand include an increase in the height of the first-floor extension of approximately 32.1cm. Accepting this alteration through the appeals process could deprive those who have an interest in the proposal from a chance to comment. Furthermore, the

amended drawing does not rectify the omission of the rear roof extension on the 'north-east' side elevation. Therefore, having regard to the Holborn Studios Ltd judgement¹, I have based my assessment on the elevation drawings that were before the Council when it made its decision.

Main Issues

7. The main issues are:

- (i) whether the development would conflict with the aims of national and local planning policy to create mixed and balanced communities;
- (ii) the effect of the proposed first-floor rear extension and rear roof extension on the character and appearance of the area;
- (iii) whether the proposal would provide acceptable living conditions for occupiers of the development in respect of private outdoor space and refuse and cycle storage facilities; and
- (iv) the effect of the proposed first-floor rear extension on the living conditions of occupiers of No 26 Honor Oak Park, with particular regard to outlook and light.

Reasons

Mixed and balanced communities

- 8. The Framework seeks mixed and balanced communities. Paragraph 63 of the Framework states that the size, type and tenure of housing needed for different groups should be reflected in planning policies.
- 9. DM Policy 3 (Conversion of a single family house to two or more dwellings) of the Lewisham Development Management Local Plan (2014) (LP) confirms that planning permission will be refused for the conversion of a single family house into flats except where environmental conditions mean that the single family house is not suitable for family accommodation. In this regard, criteria 1 of this policy sets out the relevant factors, namely a) if the house is adjacent to noise generating or other environmentally unfriendly uses and b) if there is a lack of external amenity space suitable for family use.
- 10. The site is located in a busy area close to the junction with Stondon Park. Even so, Honor Oak Park is an unclassified road and it is not uncommon for family housing in the urban area to be located on, or close to, well-trafficked routes. There is no detailed information before me, such as a noise survey, to suggest that the environmental conditions in the vicinity of the appeal site are such that they would be detrimental to living conditions.
- 11. The evidence before me suggests that the rear garden serving the house is approximately 50 square metres (sq m). From what I saw, this provides sufficient space for sitting out and for example to hang out washing. There is further external space to the front of the property which include space for bin storage.

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

12. Overall, the environmental conditions in the area and the external amenity space at the property do not indicate that the house is unsuitable for family accommodation having regard to the requirements of the development plan.
13. Moreover, the supporting text to DM Policy 3 confirms amongst other things that family housing (single family houses with three or more bedrooms) is seen as a valuable resource which should be retained in order to meet identified housing need and provide housing choice. The Council's Officer Report also confirms that The South East London Strategic Housing Market Assessment identifies a need for family sized dwellings in Lewisham.
14. There is no contrary evidence before me to demonstrate that the area is more suitable for working couples as claimed by the appellant. Whether or not Nos 10, 12 and 18 Honor Oak Park have been converted to flats, I am not aware of the planning history of those properties. As my findings indicate that planning permission should be refused for conversion of a single family house into flats in line with the specific requirements of DM Policy 3, point 1; the appellant's observation that the dwelling has a net internal floorspace greater than 130 sq m is immaterial.
15. Even if there is limited parking space available in the vicinity of the site, this is not a matter for consideration under DM Policy 3. In any case, the area has Public Transport Accessibility Level of 5. Together with its location close to services and facilities, including the nearby Stillness Infant and Junior Schools on Brockley Rise, these are factors which also suggest that the area is accessible and conducive to family living. Therefore, any on-street parking limitations in the vicinity of the site would not on their own be likely preclude a family from living there.
16. In addition, even though the proposal would result in an additional residential unit on the site, any benefit arising from this is somewhat diminished given my observations under the second main issue in respect of the living conditions for 'Flat 2'. Furthermore, 'Flat 1' would conflict with the specific provisions of DM Policy 32 (Housing design, layout and space standards) which sets out that single person dwellings should only be supported in exceptional circumstances. These factors compound the conflict with the requirements of the LP already identified.
17. I conclude, the development would conflict with the aims of national and local planning policy to create mixed and balanced communities. In that regard it would be contrary to the requirements which seek an appropriate mix of dwellings and to meet identified need for family sized dwellings in Policy 1 (Housing provision, mix and affordability) of the Lewisham Core Strategy Development Plan Document (2011) (CS) and DM Policy 3 (Conversion of a single family house to two or more dwellings) of the Lewisham Development Management Local Plan (2014) (LP).

Character and appearance

18. No 24 Honor Oak Park is a two-storey mid-terrace dwelling. It has a rear projection with a catslide roof. Similar to some of the other neighbouring properties in the row it has modestly proportioned dormers which serve its roof space. The other neighbouring dwellings within the terraced row also generally have rear projections. Several of these are two-storey in height and have flat roofs, including to the immediate neighbour at No 24 Honor Oak Park.

19. The flat roofed first-floor extension would result in a rear projection of similar mass, scale and design to other neighbouring projections on Honor Oak Park. Whether or not the neighbouring first floor rear projections were lawfully established, this element of the proposals would sit comfortably within the rear elevation of the host dwelling and would not appear out of keeping with its immediate surrounds.
20. The Lewisham Alterations and Extensions SPD (April 2019) (SPD) sets out amongst other things that rear dormer extensions should demonstrate exceptional architectural quality, should be well spaced and positioned within the roof slope, should be set in from the party wall on each side and that the arrangement of windows should relate to the arrangement on lower floors.
21. However, due to its width spanning the host property's rear roof slope and its substantial box form, the roof extension would have a dominant, top heavy appearance which would detract from the appearance of the host dwelling and the consistency of the wider terrace. The double glass door on the roof extension would not align well with the window fenestration on the lower floors and would add to the incongruous appearance of the extension. The use of complementary materials would not be sufficient to assimilate the roof extension into its surroundings.
22. On my site visit I saw that there were some examples of box dormers of a comparable scale to the appeal proposal in close proximity to the site. However, these are few in number. In those cases they do not positively reflect the general order and more modestly scaled roof additions within the roofscape of the terraced row that No 24 sits within. Therefore, those particular cases do not justify the site-specific harm that I have identified.
23. I conclude, the roof extension would be harmful to the character and appearance of the area. In that regard, it would conflict with the design, context and character requirements of Policy D3 (Optimising site capacity through design-led approach) of the London Plan (2021), Policy 15 (High quality design for Lewisham) of the CS, Policies 30 (Urban design and local character), and 31 (Alterations and extensions to existing buildings including residential extensions) of the LP. For the reasons set out it would also conflict with the guidance in the SPD.

Living conditions for occupiers of the development

24. The appellant suggests that the proposal is not suitable for shared garden space. Flat 2 would not be served by any private outdoor space and so would not meet the minimum requirements of Policy D6 (Housing quality and standards) of the London Plan (2021) which requires that a minimum of 5 sq m of private outdoor space should be provided for 1 – 2 person dwellings with an extra 1 sq m should be provided for each additional occupant.
25. The appellant contends that there are several public open spaces close to the appeal site. Even so, given the potential levels of occupancy of the three-bedroomed 'Flat 2', I find that the absence of any private open space to serve this flat would unduly compromise the quality of this accommodation. Therefore, the conflict with the minimum requirements of the development plan is not justified.

26. Furthermore, the Council has indicated that the floor to ceiling height of the proposed bedroom on the first floor would be approximately 2.35 metres (m) and that this means that less than 75 per cent of 'Flat 2' would have a ceiling height of 2.5 m. This conflicts with the minimum ceiling height requirements in Policy D6. Even if I had accepted the appellant's amended plan to increase the height of the first-floor extension, this would not in any case have resulted in acceptable living conditions for this flat given the identified deficiency in private outdoor space.
27. The appellant contends in their statement of case that internal storage could be provided for both flats. This has not been disputed by the Council. From the evidence before me and my own observations on site, I am also satisfied that the frontage of the dwelling would be capable of accommodating refuse and cycle storage facilities to serve the development and that precise details of such facilities could be secured by condition. Therefore, the proposal could comply with the refuse storage and cycle parking requirements of the development plan. Nevertheless, my other concerns are decisive in respect of this main issue.
28. I conclude, the proposal would not provide acceptable living conditions for occupiers of 'Flat 2' in respect of private outdoor space and ceiling heights. In that regard, it would conflict with the minimum requirements of DM Policy 32 (Housing design, layout and space standards) of the LP and Policy D6 of the London Plan (2021). For the same reasons, it would also conflict with Paragraph 135 of the Framework which states that decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Living conditions for occupiers of No 26 Honor Oak Park

29. The neighbouring dwelling at No 26 has ground and first floor windows in close proximity to the boundary with the appeal site, both to its two-storey rear facing elevation and to the side elevation of its rear projection. The existing rear projection on the appeal dwelling extends beyond these windows and there is an existing high close bordered fence along the shared boundary with the appeal site.
30. The increased mass resulting from the first-floor rear extension would be likely to markedly reduce space within the aspect from the first-floor rear facing window at No 26. Outlook from the ground floor windows at No 26 is already compromised to some extent by the boundary fence. Even so, the mass of the first-floor extension would reduce the visible space above the fence line in views from these windows and this also has the potential to reduce levels of light experienced within this neighbouring dwelling.
31. The appellant suggests that they would be willing to provide a 'Sunlight/Daylight report to prove that the proposal causes no harm to neighbouring properties'. However, in the absence of such evidence, I cannot be certain that the relationship of the proposal with the living conditions of No 26 would be acceptable when the effects on outlook and light are taken together.
32. I conclude, in the absence of evidence to demonstrate otherwise, the proposal would have an unacceptable effect on the living conditions of occupiers of No 26 Honor Oak Park with particular regard to outlook and light. In those

regards it would conflict with the requirements to provide satisfactory levels of outlook and light in Policy 15 (High quality design for Lewisham) of the CS and DM Policies 31 (Alterations and extensions to existing buildings including residential extensions) and 32 (Housing, design, layout and space standards of the LP. For the same reasons, it would also conflict with Paragraph 135 of the Framework which states that decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Conclusion

33. The proposal conflicts with the aims of national and local planning policy to create mixed and balanced communities. It would also result in harm to the character and appearance of the area, would not provide suitable living conditions for its occupiers and has the potential to be harmful to the living conditions of neighbouring occupiers at No 26 Honor Oak Park. In these respects, the development would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

M Russell

INSPECTOR