



Appeal Decision

Site visit made on 19 June 2024

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2024

Appeal Ref: APP/C5690/W/23/3331418

163A Kirkdale, Lewisham SE26 4QJ

- 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 MM6 Investments Ltd against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/23/132711.
 - The development proposed is upwards extension and conversion of the second floor and creation of a roof terrace to provide a new 1 bedroom 1 person flat and to include alterations to the elevations.
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Decision

1. The appeal is allowed and planning permission is granted for upwards extension and conversion of the second floor and creation of a roof terrace to provide a new 1 bedroom 1 person flat and to include alterations to the elevations at 163A Kirkdale, Lewisham SE26 4QJ in accordance with the terms of the application, Ref DC/23/132711, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P9/000; P9/001; P9/002; P9/003; P9/004; P9/005; P9/006; P9/007; P9/008; P9/009; P9/010; P9/011; P9/012.
 - 3) Before the development hereby permitted is first occupied secure bike storage for at least 1 bicycle shall have been provided in accordance with details previously submitted to and approved by the Local Planning Authority. Thereafter the secure bike storage shall be retained and maintained, available at all times for the parking of bicycles.
 - 4) Before the development hereby permitted is first occupied refuse and recycling storage comprising at least 1 wheelie bin for refuse and 1 wheelie bin for recycling shall have been provided in accordance with details previously submitted to and approved by the Local Planning Authority. Thereafter the bin storage shall be retained and maintained, available at all times for its intended purpose.

Preliminary Matters

2. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I have not sought

further submissions. I will refer to the updated paragraph numbers where necessary in this appeal.

3. The Planning, Design and Access Statement (DAS)¹ submitted with the application refers to the development subject to this appeal as having two main elements. These are i) the increase in the parapet wall of the building to the front and side, including two windows to the front and side elevations and alterations to the elevations; and ii) the conversion of the second floor and creation of a roof terrace to provide a new 1 bedroom 1 person flat.
4. For the purpose of brevity and clarity the elements of the development subject to this appeal will be referred to in my decision as follows i) upwards extension and elevational alterations; and ii) second floor flat. I have also added "upwards extension" to the description of development set out in the banner heading above as this more accurately describes the appeal proposal.
5. I saw on site that the upwards extension has already been constructed. While it appeared to broadly reflect the submitted plans, for the avoidance of doubt, I have determined the appeal on the basis of the submitted plans.

Background and Main Issues

6. The Council does not object to the upwards extension and elevational alterations in terms of the resulting external appearance of the appeal property. Rather it is the use of the upwards extension as a 1 bedroom 1 person flat that raises concern.
7. The main issues in this appeal are therefore whether the second floor flat would provide:
 - a long-term sustainable solution to the Borough's housing need; and
 - adequate cycle, refuse, and recycling storage to serve future occupants.

Reasons

Housing need

8. DM Policy 32 of the Lewisham Local Development Framework Development Management Local Plan (2014) (Local Plan) seeks to achieve high quality design and internal layout of new development to ensure the long-term sustainability of new housing development by meeting the present and future needs of occupants. With regards to internal standards, it requires proposals to meet several criteria. These include only supporting single person dwellings in exceptional circumstances and where they have an exceptional design quality and are in highly accessible locations.
9. The supporting text explains that studio flats for single person occupation are not considered to provide long term sustainable solutions to housing need. In the exceptional cases when they are provided, they will need to be in places that are not isolated and provide very good access to public transport and other amenities. There is no definition setting out what might comprise a highly accessible location or very good access to public transport.

¹ Planning, Design and Access Statement, 163A Kirkdale, Sydenham, SE26, prepared by Mr Miheer Mehta of Sterling Rose Homes, dated 11/8/2023.

10. The appeal property has a Public Transport Access Level (PTAL) of 4, which indicates good accessibility to public transport. It is about a 10-minute walk from Sydenham station and the range of facilities and amenities located on Sydenham Road. It is also very close to bus stops and the local facilities and amenities located on Kirkdale. The appellant contends that the second-floor space would be wasted if not converted into a 1 bedroom 1 person flat.
11. Nonetheless, while it is not clear what circumstances would support this type of development, the optimisation of vacant space is a fairly common aspiration and not an exceptional circumstance. Also, although the appeal property is in no way isolated, a PTAL of 4 indicates good accessibility to public transport rather than very good or excellent access, which is indicated by a PTAL of 5 or 6. For these reasons the proposed second floor flat would not strictly accord with the requirements of DM Policy 32 of the Local Plan.

Cycle, refuse and recycling storage

12. Policy T5 of the London Plan (2021) requires 1 cycle space per 1 person 1 bedroom dwelling. The proposed second-floor flat should also be provided with a refuse bin and recycling bin. The proposed ground and first floor plans² show that lockable cycle storage for 2 bicycles and lockable refuse storage for 2 wheelie bins would be provided in the access lane to the front of the appeal property. It has been put to me that the appellant has a legal right of way over this access lane, which incorporates cycle and refuse storage.
13. While the proposed cycle and refuse storage would not be located within the red line boundary shown on the location plan³, this does not mean that it could not be provided as shown. I saw on my visit that wheelie bins serving the existing ground floor and first floor flats, as well as the neighbouring flat, 161A Kirkdale, are located within the access lane. Given this, there is a good prospect that the proposed refuse and cycle storage could be located in a similar position. Therefore, in this case, it would not be unreasonable to impose a Grampian condition requiring the refuse and cycle storage to be in place and capable of being used before the second-floor flat was occupied.
14. The Council raise concerns that the proposed refuse and cycle storage represents an under provision if it were to serve both the proposed second-floor flat and existing first-floor flat as suggested in the DAS. However, internal cycle, refuse and recycling storage for the existing first-floor flat has already been approved and there is no suggestion that the existing provision would be removed. Given this, at the very least the proposed refuse and cycle storage would benefit the occupants of the first floor flat by providing an additional external secure cycle space.
15. For the reasons above, the proposal would provide adequate cycle, refuse, and recycling storage to serve future occupants of the proposed second-floor flat. It would accord with Policy T5 of the London Plan (2021) and Policies 13 and 14 of the Lewisham Local Development Framework Core Strategy Development Plan Document (2011). These require the provision of integrated, well-design recycling facilities, as well as safe and secure cycle parking, respectively.

² Drawing No: P9/009

³ Drawing No: P9/000

Other Matters

16. The proposal would convert a vacant space to provide an entry level home in an accessible location. This weighs in favour of the proposal. It would also have some social and economic benefits arising from its conversion and occupation.

Conditions

17. The Council has suggested that, in the event the appeal was allowed, 3 conditions be imposed on any grant of permission. In imposing conditions, I have had regard to the approach in the Framework and the Planning Practice Guidance. I have accordingly modified the wording or form of certain conditions without altering their fundamental aims.
18. In addition to the statutory time limit condition, a condition specifying the plans that are approved and that the development shall be undertaken in accordance with them is required in the interests of certainty. For the same reason and to ensure acceptable living conditions for future occupants as well as in the interests of mitigating climate change, Grampian conditions are necessary to require the secure cycle storage and refuse and recycling storage to be in place and capable of being used before the second-floor flat is occupied.
19. I have not imposed a condition specifically requiring the roof terrace to be set out as shown in approved drawings P9/010 and P9/012, as the development, including the roof terrace, would already be required to be undertaken in accordance with the approved plans.

Planning Balance

20. While the proposal would result in a breach of DM Policy 32 of the Local Plan, this would not be a significant breach, as the appeal property benefits from a good level of accessibility to public transport, as well as local services and facilities. The overarching aim of DM Policy 32 of the Local Plan is to achieve high quality design and internal layout of new development. The Council do not raise any concerns with regards to the amount of internal and external space proposed or the arrangement of this space. The proposal meets the space standards for internal floor area and storage, and the Council consider the outlook from the proposed second-floor flat to be acceptable. Given this, from the evidence before me, it is not entirely clear why the proposal would not provide a long-term home for a single occupant.
21. I am mindful of the Government's objective to significantly boost the supply of homes. Also, Paragraph 124(d) of the Framework, which requires planning decisions to promote and support the development of under-utilised buildings, especially where available sites could be used more efficiently. Accordingly, in this case, I am of the view that the appreciable benefits of the proposal would outweigh the minor conflict with DM Policy 32 of the Local Plan. Thus, in this case, other material considerations justify allowing the appeal.

Conclusion

22. For the reasons above, having had regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be allowed subject to the conditions set out above.

Hannah Guest INSPECTOR