



Appeal Decision

Site visit made on 12 July 2024

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2024

Appeal Ref: APP/C5690/W/24/3339099

3A Honor Oak Park, Crofton Park, Lewisham, London SE23 1DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr T Dervish, Dervish & Dervish LLP against the decision of London Borough of Lewisham.
 - The application is Ref DC/23/132987
 - The development proposed is construction of a single storey extension to the rear at ground floor, extension to the second floor level, alterations and roof extensions to the existing roof with the installation of roof lights, together with the conversion to provide 5 self contained flats at 1, 1A and 3 Honor Oak Park SE23 and cycle and bin storage onto Stondon Park.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the Council's description of development which is more precise than the planning application form; I note the Appellant also uses this description on the appeal form.

Main Issues

3. The main issues in this appeal are:
 - whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to the internal floor to ceiling height within Flat 4 and the provision of outdoor amenity space for Studio 1 and Flat 1;
 - the effect of the proposal on the character and appearance of the host building and the area; and
 - the effect of the proposal on local car parking provision and highway safety.

Reasons

Living conditions for future occupiers

4. Policy D6 of the London Plan (2021) (LP) sets out space standards for new residential development. Of particular relevance is the requirement that at least 75 percent of the dwelling has a minimum floor-to-ceiling height of 2.5 metres. Policy DM 32 of the Lewisham Development Management Local Plan (2014) (DMLP) similarly states that habitable rooms and kitchens and

- bathrooms are required to have a minimum floor height of 2.5 metres between finished floor level and finished ceiling height. Space that does not meet this standard will not count towards meeting the internal floor area standards.
5. Given Flat 4's location within the building's pitched roofspace it appears that areas of the flat would have lower floor to ceiling heights, which may be below 2.5 metres. The appellant states that the floor to ceiling height would be sufficient to provide residents with a reasonable standard of internal living accommodation, and indicates that as the proposal involves the conversion of the existing roofspace, the resulting floor to ceiling height is a product of site constraints rather than a design choice. However, no further evidence, such as a section drawing through the flat, has been provided to demonstrate the internal heights within it.
 6. In the absence of substantive evidence to the contrary, I find that the floor to ceiling heights within the flat would be materially less than that required by Policy D6 of the LP and Policy DM 32 of the DMLP. In my view, the low floor to ceiling height across the unit would fail to meet the high quality of design required by the above policies. I acknowledge that Flat 4 appears to comply with other policy criteria, including the Technical Housing Standards - Nationally Described Space Standards (MHCLG, 2015) (NDSS). Be that as it may, this matter does not outweigh the harm I have identified.
 7. Whilst not specifically referenced in the reason for refusal, the Council's officer report identifies harm related to the lack of amenity space to Flat 1. Therefore, I have considered this issue in my determination of the appeal. I acknowledge that the existing units at the site do not have outdoor amenity space, and that site constraints including the design of the appeal property make the provision of balconies or terraces challenging. Whilst it would be dual aspect, Studio 1 would have a floor area of 37 square metres, which is the minimum for a 1 bed, 1 person unit identified by the NDSS. Flat 1 would be 54.4 square metres, which is 4.4 metres larger than the minimum for a 1 bed, 2 person unit identified by the NDSS.
 8. Policy D6 of the LP requires that a minimum of five square metres of private outdoor space is provided for 1-2 person dwellings. Given that no private outdoor space would be provided for Studio 1 or Flat 1, the proposal would not meet this requirement. There is no compelling evidence before me to justify a departure from this standard, such as the provision of equivalent floor space internally. Furthermore, the appeal site is in an area of identified local open space deficiency. For these collective reasons, the design of Studio 1 and Flat 1 cannot be considered to provide adequate living conditions for future occupiers.
 9. I conclude that due to the limited floor to ceiling height within Flat 4 and the lack of outdoor amenity space for Studio 1 and Flat 1, the proposal would not provide acceptable living conditions for future occupiers. The proposal would therefore conflict with Policy D6 of the LP, Policy 15 of the Lewisham Core Strategy (2011) (CS) and Policy DM 32 of the DMLP. Together, these policies seek to ensure that residential development provides a high standard of accommodation for future occupiers, including through providing adequate living space (including headroom) and outdoor amenity space.
 10. The proposal would also conflict with the London Plan Housing Supplementary Planning Guidance (2016), which outlines that new residential units should

provide a minimum floor-to-ceiling height of 2.5 metres for 75 percent of the dwelling.

Character and appearance

11. The proposal relates to the upper floors of part of a three storey Victorian shopping parade. The site is located on a small, triangular urban block, and surrounded by three separate roads. Its front elevation is grand and is primarily constructed with yellow stock brick work with architectural features including vertical and horizontal red brick banding, window surrounds and stone plaques. A series of prominent chimney stacks are visible above the building's hipped tiled roofs, and make a striking and positive contribution to the character of the area. The rear of the property has a more functional appearance, with a central three storey rear projection with a gable end feature, and adjoining two-storey rear projections with mono-pitched roofs. The property is located in a relatively busy area comprising a mix of commercial uses at ground floor level and residential accommodation on upper floors.
12. Policy DM31 of the DMLP outlines that development proposals for alterations and extensions will be required to respect the architectural characteristics and detailing of original buildings, including external features such as chimneys. The submitted drawings indicate that the proposal would result in the loss of chimneys, which are prominent features in a variety of views of the appeal site, including from the front and rear of the site on Brockley Rise. Due to the loss of the chimneys the proposals would not be sensitive, and would not respect or complement the original form of the building.
13. The Council's Alterations and Extensions Supplementary Planning Document (2019) states that the insertion of roof lights on roofs with complex asymmetrical forms such as gables, hips, dormers and turrets should be avoided. Whilst the roof lights on the front elevation would be screened by an existing parapet wall, the rooflights on the second floor extension facing Brockley Rise would be particularly prominent. As a result of their size and limited separation from each other, the rooflights would appear as jarring and conspicuous features within the roof.
14. The second floor extension's roof height and gable design would match the existing gabled rear projection at the property. It would be the same height as the main roof ridge. However, due to its position to the rear, its pitched roof form, and flat roof area separating it from the existing gable, the extension would not appear excessively bulky and would remain visually subordinate to the front of the terrace.
15. The second floor extension would infill an existing area, but would not project any further to the rear than the property's existing projections. Whilst it would be visible in views from Brockley Rise, its traditional design including the gabled roof would not appear unduly prominent. Its proposed external materials, which primarily include new brickwork and tiles would match the host property and would therefore reinforce the character and appearance of this particular street scene and the wider area.
16. However, in this instance, I have found that the loss of the chimneys and installation of the large, prominent rooflights fronting Brockley Rise would cause harm to the character and appearance of the appeal property and

surrounding area. Accordingly, I find conflict with Policy D3 of the LP, Policy 15 of the CS, Policies 30 and 31 of the DMLP and paragraph 135 of the National Planning Policy Framework (2023) (Framework). Taken together these seek, amongst other things, high quality design which integrates effectively with its surroundings, reflecting local distinctiveness and character.

Car parking

17. The site is within an area with a Public Transport Accessibility Level (PTAL) rating of 5 which indicates good access to public transport services. Future occupiers would therefore benefit from opportunities to travel by modes other than by private vehicles, reducing reliance on these and the requirement for on-site parking.
18. The Council's reason for refusal refers to Policy T6 of the LP. The LP parking standards linked to this policy outline that residential developments located in all areas of London which have a PTAL rating of 5 should be car-free.
19. The appellant indicates, and it is not disputed by the Council, that the existing 3 flats have 8 bedspaces. The 5 new flats have 9 bedspaces, representing only a modest increase in the maximum capacity of the residential accommodation.
20. Consequently, I am satisfied that future occupiers of the proposed dwellings would have options other than the private motor car and the proposed car free development would not significantly impact on demand for on-street parking given the small increase in bedspaces.
21. I acknowledge that a car parking stress survey has not been submitted. However, the provision of a car-free development accords with the maximum parking standards set out within the LP, and it also follows the approach outlined within Policy 14 of the CS which states that the car parking standards contained within the LP will be used as a basis for assessment.
22. In finding no unacceptable harm, I find no conflict with Policy T6 of the LP and Policy 14 of the CS which require that new development does not exceed the maximum parking standards, whilst requiring that a managed and restrained approach to car parking is adopted.

Planning Balance and Conclusion

23. The submitted evidence confirms that the Council's Housing Delivery Test 2022 (HDT) results (published in December 2023) indicate that housing delivery against the Council's housing requirement has fallen to 51% over the HDT period. This represents a shortfall, and I acknowledge the scheme would contribute towards rectifying that shortfall.
24. As a result of the housing delivery position, Paragraph 11 d) of the Framework is relevant and indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the appellant suggests that the Council's development plan policies are out of date.
25. The Framework states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Even if the policies which are most

important for determining the application are out of date, this does not mean that they are afforded no weight. The need to protect character and appearance and living conditions of future occupiers remain valid in the context of the environmental objectives of national and local planning policy. The Framework, at paragraph 135, expects development to create places that are visually attractive as a result of good architecture, and which are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for future users. Policies D3, D6 of the LP, Policy 15 of the CS and Policies DM 30, DM 31 and DM 32 of the DMLP are therefore consistent with the Framework. As such, I still afford the harm arising from the conflict with these policies significant weight.

26. The proposal would make a modest contribution towards London and Lewisham's housing supply, in an area with good access to public transport, being located within a PTAL 5 area. It would also increase housing density and make efficient use of the land.
27. The Government's objective is to significantly boost the supply of homes. The Framework supports the development of windfall sites and great weight should be given to the benefits of using suitable sites within existing settlements for homes. The Framework recognises that small sites can make an important contribution to meeting the housing requirement. The proposal would lead to some social and economic benefits through the construction of the residential units and the activities of the future residents of the scheme. The proposal also includes cycle storage which would support use of sustainable travel modes in accordance with Framework objectives. That said, there would be only a very small contribution to the supply and mix of housing, limiting the extent of these benefits.
28. Moreover, the Framework balances the objectives above against requirements seeking development that is well-designed and sympathetic to local character. In this instance, I have found that due to the insufficient internal floor to ceiling height in Flat 4 and the lack of outdoor amenity space for Studio 1 and Flat 1, the proposal would not be well-designed. I have also found that the proposal's unsympathetic design would cause harm to the character and appearance of the host building and area. The proposal would therefore be contrary to these requirements and I give significant weight to these harms, as the policies in respect of this matter broadly reflect the provisions of the Framework.
29. In my judgment, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
30. While I have not found conflict with all policies drawn to my attention, the harm that I have found leads me to conclude that the proposal would conflict with the development plan as a whole. There are no other considerations, including the provisions of the Framework and the presumption in favour of development, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR