



Appeal Decision

Site visit made on 21 July 2025

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 August 2025

Appeal Ref: APP/C5690/W/25/3364475

143 Hazelbank Road, Lewisham, London SE6 1LT

- 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 Mrs Schlesinger against the decision of the Council of the London Borough of Lewisham.
 - The application reference is DC/25/138770.
 - The development proposed is the erection of a ground-floor extension and the conversion from an existing dwellinghouse into 2 self-contained flats.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appellant has made an application for costs against the Council. This application is the subject of a separate decision.
3. The Council has recently adopted the Lewisham Local Plan 2020-2040 (LP). As a result, the LP forms part of the development plan. It has replaced the Lewisham Core Strategy (CS) and the Lewisham Development Management Plan (DMP), which are cited in the reasons for refusal. The main parties were invited to submit representations in relation to the policies of the LP although none were received.
4. Planning decisions must be based on the development plan policies prevailing at the time of determination. The policies of the CS and DMP are no longer in force. The most relevant corresponding policies in the LP are QD1, QD8, TR4, SD1 and SD6. Combined, these policies cover housing design, sustainable transport, parking, climate change and air quality issues. The policies within The London Plan (TLP), which are also referred to in the reasons for refusal, remain part of the development plan.

Main Issues

5. The main issues are whether the proposal would provide firstly, satisfactory living conditions for future occupiers with regard to living accommodation; secondly, whether the vehicle and cycle parking provision would be appropriate; and thirdly, whether sufficient information has been provided on air quality.

Reasons

6. The proposal is to extend, alter and convert the appeal property, which is a mainly 2-storey semi-detached house, to form 2 self-contained flats, which are denoted

Nos 1 and 2 on the plans. The plot would also be subdivided with vehicle parking and refuse storage provided at the front of the site and cycle storage at the rear.

Living conditions

7. With 5 bedrooms, Flat 1 would be suitable for occupation by a large family. The main communal area within this flat would be limited to an open plan dining and kitchen area with little, if any, room for people to sit away from the table. As there would be no separate living room, this flat would lack space for occupiers to sit, relax, socialise or for children to play away from the principal area for cooking and eating. Given that the flat could accommodate up to 6 people, the lack of dedicated space for some occupiers to relax, watch television or play with children away from the kitchen and dining area is a significant deficiency. It would be at odds with guidance in the London Mayor Housing Supplementary Planning Guidance (SPG), which encourages the provision of 2 living spaces in larger dwellings. Although not part of the development plan, the SPG is nonetheless a relevant consideration.
8. The appellant has noted that the Council did not object to an earlier proposal to convert No 143 to 2 flats even though a flat included a single communal kitchen/living/dining room. However, the previous scheme included a conservatory that was separate to the kitchen that could be used independently as a habitable room. As it had 2 communal living spaces, the previous scheme is not directly comparable with the proposal before me.
9. The main communal area within Flat 2 would also be a single room that would provide a compact area within which to cook, eat, socialise and unwind. While minimum space standards would be exceeded, this arrangement could still feel cramped if all 3 residents and perhaps visitors occupied the room at the same time. The windowless corridor through Flat 2 would also need to be artificially lit and it would offer little opportunity for natural ventilation. It may be that national space standards and policy guidance do not mandate that hallways must include windows. However, the corridor would be regularly used as the main thoroughfare and the absence of windows would make it uninviting. While my concerns in relation to Flat 2 would be insufficient to withhold planning permission in themselves, it does reinforce my overall view that the standard of accommodation proposed would be poor.
10. To my mind, the activity associated with the front entrance of the building would be occasional and transient and so I doubt that there would be significant overlooking problems into the ground floor bedroom at the front of Flat 1. I also note that the appeal scheme would achieve relevant minimum space standards.
11. Nevertheless, I conclude on the first main issue that the proposed development would not provide satisfactory living conditions for future occupiers. As such, it conflicts with Policy D6 of The London Plan (TLP), LP Policy QD8, the advice within the SPG and the National Planning Policy Framework (the Framework). Together, these policies and guidance seek to ensure that developments provide a high standard of residential amenity.

Parking

12. Access to the secure cycle storage unit in the back garden of the building for the occupiers of Flat 2 would involve walking along a corridor with tight turns and

through several doorways and a bedroom. This convoluted arrangement would deter regular use of the cycle storage facility for most occupiers.

13. From what I saw, the existing driveway could not easily accommodate 2 large family-sized cars at the same time considering the space needed on either side to enable the doors to be opened fully. In my view, there would, however, be sufficient space for 2 small or medium sized cars with adequate circulation space around the vehicles. If that were the case, there would be no change proposed to the number of off-road parking spaces provided. On that basis, the proposal would not necessarily exceed the maximum parking provision under TLP Policy T6 and LP Policy TR4.
14. Nevertheless, the proposal would not provide cycle storage that is suitable and accessible. It therefore conflicts with TLP Policy T5 and LP Policies TR4 and QD1. Together, these policies aim to ensure developments provide appropriate levels of cycle parking, which is fit for purpose and well-located. It is also at odds with the Framework, which states that planning decisions should aim to achieve healthy places with layouts that encourage cycling.

Air Quality

15. The appellant's Air Quality Neutral Assessment Statement (AQNS) concludes that the proposal is air quality neutral and therefore compliant with relevant policies and guidance. However, that finding assumes that no extensions or external works would take place, which is incorrect. The AQNS also states that no new heating system would be installed, which seems unlikely given that the existing system would serve a single house, and 2 self-contained flats would be created. Since these discrepancies undermine the credibility of the submitted AQNS, I am unable to rely on its key findings.
16. I have carefully considered whether a condition could be imposed to require a suitable assessment of air quality be carried out as a prelude to any works or the use commencing. However, it would be inappropriate to do so since the acceptability of the proposal partly depends on the outcome of that exercise.
17. On the third main issue, I conclude that there is insufficient information to conclude that the proposal would achieve at least air quality neutral, as required by TLP Policy SI 1 and LP Policy SD6. As such, it conflicts with these policies, which aim to improve air quality.

Planning balance

18. The Council is unable to demonstrate a 5-year supply of deliverable housing sites. On that basis, paragraph 11 d) of the Framework applies, which states that planning 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. In doing so, the Framework says that regard should be had to key policies for directing development to sustainable locations, making effective use of land, and securing well-designed places.
19. In this case, the proposal would contribute towards the supply of housing and provide additional choice to prospective occupiers. However, given that one additional dwelling would be created, that contribution would be modest. The development would make an efficient use of the property, and the completed

building could be designed to be energy efficient. There would also be some economic benefit from the sale of materials during the construction phase and from spending by future residents. All these considerations weigh in support of the appeal.

20. On the other hand, the Framework states that transport issues should be considered from the earliest stages of development proposals so that opportunities to promote cycling are identified and pursued. It requires opportunities to improve air quality or mitigate impacts to be identified. The Framework also states that to achieve well designed places, developments should create places with a high standard of amenity. The proposal would not comply with these policies. When assessed against the policies in the Framework taken as a whole, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the appeal scheme.
21. The appellant also places some reliance on a decision to grant planning permission to convert and enlarge the property at 37 Callander Road to form 3 self-contained flats with background details and plans provided. However, there are notable differences between the approved scheme and the proposal before me that preclude any meaningful comparison between them. Specifically, No 37 was previously in use as 2 flats and the layout, occupancy level and size of the new flats all differ to the appeal scheme, as does the cycle storage arrangements. The Air Quality Statement to support the proposal at No 37 also considered the need for a new heating system to serve the additional flat, unlike the appeal scheme. Consequently, I am unable to attach more than limited weight to the decision at No 37 in support of this appeal.

Conclusion

22. Overall, the proposed development conflicts with the development plan, when read as a whole. There are no material considerations, including those of the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan.
23. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR