

Committee	PLANNING COMMITTEE A	
Report Title	21 LOAMPIT HILL SE13 - REQUEST FOR ENFORCEMENT ACTION	
Ward	Ladywell	
Contributors	Janet Hurst and Gemma Barnes	
Class	PART 1	Date: 30 AUGUST 2012

### Background Papers

- (1) Adopted Unitary Development Plan (July 2004)
- (2) Local Development Framework (June 2011)
- (3) The London Plan (July 2011)
- (4) Circular 10/97: Enforcing Planning Control: legislative provisions and procedural requirements (2006)
- (5) National Planning Policy Framework (March 2012)  
Paragraph 207: Enforcement

### Designation

Adopted UDP - Existing Use  
PTAL 5  
Local Open Space Deficiency  
Not in a Conservation Area  
Not a Listed Building  
A Road

## **1.0 Introduction**

- 1.1 This report deals with a breach of planning control at 21 Loampit Hill, in relation to the unauthorised change of use from a retail unit to residential use and alterations to the elevations of the premises and whether it is expedient for the Council to instigate formal enforcement action.

## **2.0 Property/Site Description**

- 2.1 The property site is within a corner plot of land located at the junction of Halesworth Road with Loampit Hill. The premises is at the north east corner of a larger site which is mainly occupied by a grand and ornately detailed late Victorian/early Edwardian three storey residential property, which positively dominates this prominent corner and is known as 1 Halesworth Road. Halesworth Road rises steeply towards the south and the ground level of no.1 Halesworth Road ranges from 1.5m – 2.5m higher than the ground level of Loampit Hill, and is typical of the ground level difference between Loampit Hill and Halesworth Road. A 2.5m high brick retaining wall forms the boundary of the site with Loampit Hill. The wall descends in height to approximately 1.3m high at the junction with Halesworth Road, where no.1 can be accessed. The main entrance to no.1 is from Halesworth Road itself, though 1B Halesworth Road is accessed by a substantial external staircase which extends from the rear yard to first floor level. The alterations, which are the subject of this report do not affect the access to 1B Halesworth Road.
- 2.2 21 Loampit Hill is a single storey building, that occupies a gap in the brick retaining wall fronting Loampit Hill. The building is bounded to the south and west by the curtilage of 1 Halesworth Road and to the east by part of the rear garden of 3 Halesworth Road.
- 2.3 The premises is not within a conservation area, or subject to an Article 4 Direction, nor is it within the vicinity of any listed building.

2.4 The premises use has recently been changed from use as a lock-up shop unit to residential use, which is occupied by two people. The premises has a residential front door, with a small window either side of the front door fronting Loampit Hill. The premises comprises of two rooms and a separate bathroom at ground level, and has a form of 'tunnel' link stairway, which links the premises to what was formerly a separate store room, which now forms a small kitchen at upper ground floor level within the main building at 1 Halesworth Road.

### **3.0 Planning History**

3.1 In 1973 planning permission was granted for the use of the ground floor vacant shop premises at 21 Loampit Hill as an administration office in connection with the student hostel at 1 Halesworth Road.

3.2 In 1978 planning permission was granted for the use of the shop premises at 21 Loampit Hill as a general local office.

3.3 In 1981 planning permission was granted for the use of the ground floor at 21 Loampit Hill as an office in connection with a driving school.

3.4 In 1990 planning permission was refused for the change of use of 21 Loampit Hill to a amusement centre. The reason for refusal was:-

*"The use of the premises as an amusement centre has a detrimental effect on the amenities of adjoining residents by reason of its proximity to nearby residential properties and the noise and general activity associated with its operation.*

3.5 In 2009 planning permission was refused for the change of use of 21 Loampit Hill SE13, to Class A2 use (Financial & Professional Services), together with the construction of an additional storey, single storey extension to the rear and alterations to the front elevation. The reason for refusal was as follows:-

*"The submitted drawings and information are insufficient and do not provide enough detailed information to fully assess the proposals and to enable the Council to consider the impacts of the development on the existing residential accommodation, particularly at 1a Halesworth Road and the street scene generally, contrary to policies URB 3 Urban Design, URB 6 Alterations and Extensions and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004)."*

3.6 In 2010 planning permission was refused for the change of use of 21 Loampit Hill SE13, to Class A2 use (Financial & Professional Services), together with the construction of an additional storey, single storey extension to the rear and alterations to the front elevation. The reasons for refusal was as follows:-

*"The excavation works proposed in association with the change of use at 21 Loampit Hill would be inappropriate and result in overdevelopment of this constrained site, causing unacceptable harm to neighbouring residents of 1 Halesworth Road, contrary to policies URB 3 Urban Design, URB 6 Alterations and Extensions and HSG 4 Residential Amenity of the adopted Unitary Development Plan ( July 2004)."*

## 4.0 Policy Context.

### National Planning Policy Framework (March 2012)

- 4.1 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation and states, in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215, guidance is given on the weight to be given to policies in the development plan. In summary, this states that for a period of 12 months from publication of the NPPF, decision makers can give full weight to policies adopted since 2004, even if there is limited conflict with the NPPF. Following this period, weight should be given to existing policies according to their consistency with the NPPF.
- 4.2 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process, in accordance with paragraphs 211, 214 and 215 of the NPPF.
- 4.3 With regard to enforcement Paragraph 207 of the NPPF states:-
- "Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning decisions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so."*
- 4.4 In addition, Circular 10/97: Enforcing Planning Control: legislative provisions and procedural requirements (2006) is relevant.

### London Plan (July 2011)

- 4.5 The London Plan was published in July 2011. Together with the Core Strategy and saved policies in the adopted Lewisham UDP (July 2004), the London Plan comprises the development plan for Lewisham. The policies that are relevant to this case are:

Policy 3.3 Increasing housing supply  
Policy 3.4 Optimising housing potential  
Policy 3.5 Quality and design of housing developments  
Policy 5.1 Climate change mitigation  
Policy 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 6.3 Assessing effects of development on transport capacity  
Policy 6.9 Cycling  
Policy 6.13 Parking  
Policy 7.1 Building London's neighbourhoods and communities  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime

Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture

#### 4.6 Adopted UDP (July 2004)

URB1 Development Site and Key Development Sites  
URB3 Urban Design  
URB6 Alterations and Extensions  
HSG4 Residential Amenity  
HSG5 Layout and Design of New Residential Development  
HSG10 Conversion of office and other Commercial Space to Residential Accommodation

#### 4.7 Core Strategy

The Core Strategy was adopted on 29 June 2011.

The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Objective 1: Physical and socio-economic benefits  
Objective 2: Housing provision and distribution  
Objective 3: Local housing needs  
Objective 4: Economic activity and local businesses  
Objective 5: Climate change  
Objective 9: Transport and accessibility  
Objective 10: Protect and enhance Lewisham's character  
Spatial Policy 1: Lewisham Spatial Policy  
Spatial Policy 5: Areas of Stability and Managed Change  
Policy 1: Housing provision, mix and affordability  
Policy 6: Retail hierarchy and locations of retail development  
Policy 7: Climate change and adapting to the effects  
Policy 8: Sustainable design and construction and energy efficiency  
Policy 14: Sustainable movement and transport  
Policy 15: High quality design for Lewisham

#### 4.8 Residential Standards Supplementary Planning Document (2006).

### **5.0 Consideration of Enforcement Action**

5.1 The main issue for consideration is whether it is appropriate and expedient for the Council to serve an Enforcement Notice, under the Town and Country Planning Act 1990 (as amended) on those who have a legal interest in the land which is the subject of this report.

#### Breach

5.2 The Council has confirmed by way of a site inspection that the building known as 21 Loampit Hill has been extended and altered in order to facilitate a change of use to residential use.

5.3 The following physical alterations have been undertaken:

- The removal of the existing shop front and replacement with a UPVc residential front door and the installation of two small UPVc double glazed windows positioned either side of the front door, with the remainder of the front elevation constructed in brick work.
- Internally the property has been altered, by the construction of a partition wall to divide the single unit into two separate rooms, one extremely small, with the small window to the front and the other with the residential front door and the small window fronting onto Loampit Hill.
- The installation of a partition wall to the rear of the larger room to create a separate bathroom, which has been fitted with a bathtub and a macerator toilet. There are no windows, means of ventilation or natural lighting.
- Excavation has taken place behind the original commercial unit which is underneath the yard area and access stairs for nos. 1A and 1B Halesworth Road. The excavation extends out as far as the walls to the residential properties. This has created a short, narrow tunnel link with a stairway to the main building at 1 Halesworth Road, and incorporates what was a store room at upper ground level. There is no means of natural light to the tunnel link stairway. Although not a planning issue, the associated underpinning work associated with forming the new staircase is incomplete.
- The incorporated store room at upper ground level has been converted into a kitchen and fitted with a kitchen sink, kitchen cupboards, washing machine, electric cooker and a fridge. The existing wooden door which was the only entrance to the original store room and was accessible only from the shared yard area, which also permits access to 1A and 1B Halesworth Road, has been replaced with a UPVc residential front door and a small wooden framed window has been replaced with a UPVc double glaze window.

5.4 To date no retrospective application has been submitted despite the land owner being invited to submit an application to regularise the breach of planning control.

### **Planning Considerations**

The main planning considerations :

- Loss of the retail use
- Visual impact of operational development
- Standard of accommodation provided within the residential unit
- Sustainability
- Impact on neighbouring amenity, including land ownership issues
- Transport issues

### **Loss of retail use**

5.5 Prior to the unauthorised conversion taking place the property was vacant and had been for approximately 2-3 years. However, the last known use and therefore lawful planning use was as an A1 retail lock-up shop that was last used as a hairdressers (information contained in the planning records confirms this).

- 5.6 The site is not in a defined centre and is not within a parade. It is an isolated unit situated within a large retaining wall along Loampit Hill and does not have any immediate neighbours to either side. The nearest shops to the application site are on the opposite side of Loampit Hill and are situated some 55m away.
- 5.7 Taking account of the location of the property and the fact that it had been vacant for a fairly significant period of time the Council would not object in principle to the loss of the retail use if an alternative commercial use were to be proposed. An alternative small scale, commercial use within the existing building could be acceptable in principle. Alternatively the Council would not object the loss of building entirely but for the reasons demonstrated in this report it is not considered that an acceptable form of residential development can be achieved within the existing building; and to date the owner of the site has failed to demonstrate that the site is suitable for any form of residential development. Consequently the proposal is contrary to Policy HSG10 of the UDP.

### Visual impact

- 5.9 National and local planning policies place considerable emphasis on the importance of achieving high quality design that complements existing development, established townscape and character. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Legibility and function are important aspects of good design. When critiquing design local planning authorities must take a proportionate approach to the type of development proposed and its context.
- 5.10 The building subject of this report forms part of a prominent corner site occupied by a large grand building that still retains many of its traditional features such as timber sash windows. This site makes a positive visual contribution to the streetscene. The building subject of this report plays an important role in the streetscene of this part of Loampit Hill particularly when read against the backdrop of the grand building behind.
- 5.11 The Council has photographic evidence to show that prior to the unauthorised conversion taking place there was a shopfront with central entrance door and large glazed panels above a stallriser on either side at the front of the unit. There was also a fascia sign and roller shutter. A drawing submitted as part of the 2010 application entitled 'Existing Front Elevation' shows the shopfront in situ.
- 5.12 In order to facilitate the unauthorised conversion to residential use the owner has removed the shopfront from the building and installed replacement domestic style door and windows with brick infill.
- 5.13 The Council acknowledge that the previous shopfront was in a poor state of repair and as a result of the unit being vacant for a considerable period of time the roller shutters were pulled down. This did have an adverse impact in visual terms. However, this could have been easily rectified by the vacant unit being brought back into commercial use and would not override the need for a replacement shopfront or alternative treatment of the front elevation to be of high quality design.

- 5.14 The operational development that has been undertaken reflects the unauthorised change of use within the building. Given that the residential use of this building is not considered to be acceptable the alterations to the front elevation are not acceptable in principle, as the domestic style door and windows would fail to reflect the function of the building, which would adversely affect legibility and would hinder commercial use. Furthermore it is not considered that the UPVc fenestration complements the adjoining building which still retains a large proportion of traditional timber framed fenestration. The alterations to the front elevation are therefore considered to be contrary to Policies 7.1 Building London's neighbourhoods and communities, 7.4 Local character and 7.6 Architecture of the London Plan and Objective 10: Protect and enhance Lewisham's character and Policy 15: High quality design for Lewisham of the Core Strategy.
- 5.15 In order to remedy the harm caused by the unauthorised removal of the shopfront the Council will require the owner to reinstate the shopfront by removing the unauthorised doors, window and bricks and installing a shopfront to match the design of the former shopfront as shown on the plan entitled 'Existing Front Elevation' (copy of the relevant plan attached as Appendix A).
- 5.16 In addition the owner has replaced the existing timber window and door in the north elevation of the main building with UPVC window and door. Given the raised level of the main building these openings are clearly visible in the streetscene. The majority of the fenestration in the main building is timber framed, the replacement UPVc fenestration is at odds with the existing building. In this prominent location the UPVc fenestration is considered to be unacceptable as it significantly detracts from the character and appearance of the building contrary to Policies 7.1 Building London's neighbourhoods and communities, 7.4 Local character and 7.6 Architecture of the London Plan and Objective 10: Protect and enhance Lewisham's character and Policy 15: High quality design for Lewisham of the Core Strategy.
- 5.17 In order to remedy the visual harm being caused by the unauthorised window and door the Council will require the owner to install replacement timber framed fenestration and door as shown on the photograph attached as Appendix B.

#### Standard of accommodation

- 5.18 The London Plan, Core Strategy and 'saved' UDP policies seek to ensure a mix and balance of residential provision to meet the full range of identified housing need in the Borough, including single people, families of different sizes, persons with special needs and for affordable homes. Adopted policies seek to ensure that new residential accommodation (including conversions) is of high quality design with appropriate facilities and standards of accommodation required to ensure genuine sustainable living.
- 5.19 The residential accommodation provided is considered to be of extremely poor design and quality in terms of property size overall, individual room sizes, internal layout and poor standard of natural light and outlook. Taken from the application form submitted with the 2010 application for conversion of the building (including excavation) the overall unit size is stated to be 33sqm. London Plan Policy 3.5 (and associated Table 3.3) sets out the minimum sizes for new residential units (including conversions). The smallest 1 person unit should have a minimum floor area of 37 sqm, a one bedroom unit should have a minimum floor area of 50 sqm.

This building has a floor area of approximately 33sqm and has been subdivided internally to provide a very small and narrow bedroom with separate living area and kitchen. The unit falls significantly short of the minimum floorarea for a one bedroom flat and is below the floor area for a studio unit.

- 5.20 The only fenestration in the building is the two small windows and door in the front elevation at ground floor level (adjacent to Loampit Hill) and the small window and door in the raised ground floor level of the main building. The two doors are of solid design with small fanlight glazed sections at the top, this style of door does not allow a great deal of light into the building so light entering the building is restricted to the relatively small window openings. The level of natural light received in the building is considered to be poor.
- 5.21 The aforementioned openings are also the only source of outlook. However, the upper floor window is located above the internal stairwell where access to the window is restricted. Consequently limited outlook can be provided from the kitchen. The lower floor windows are adjacent to the pavement edge and therefore in the interest of privacy future occupiers of the unit are likely to keep blinds/curtains drawn most of the time. This would limit outlook from the bedroom and main living area.
- 5.22 Natural ventilation throughout the building will be limited given the internal layout particularly the kitchen and bathroom.
- 5.23 The internal layout of the premises is somewhat contrived and constrained by virtue of the extremely narrow bedroom, small kitchen area and relationship of the internal stairwell to the kitchen and access corridor on the upper level. It is questionable whether the access door on the upper floor is safe given its relationship to the stairwell. Indeed access to the kitchen would be difficult, if not impossible, for any future occupier with mobility constraints.
- 5.24 The internal layout is not lifetime home compliant, there is no provision for amenity space and it is not clear that there is sufficient space within the site boundary (and land within the Owners deeds) to provide refuse, recycling and cycle storage facilities as required for all new dwellings.
- 5.25 Overall the internal layout of the premises is considered to be poor, the unit provides a substandard form of accommodation that does not meet the requirements of Policy HSG5 of the UDP or Policy 1: Housing provision, mix and affordability of the Core Strategy.

#### Sustainability

- 5.26 London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policy 8 requires all new residential development to meet a minimum of Code for Sustainable Homes Level 4 and commercial buildings to achieve a BREEAM rating of 'Excellent'. The Council adopt a pragmatic approach when dealing with the conversion of existing buildings where minimal changes to the building fabric are proposed as it is recognised that it is very onerous and expensive for existing buildings to be retrofitted in order to meet Level 4 or 'Excellent' standards. However, all practical measures to reduce energy and water consumption should be adopted.



- 5.27 The conversion of this building to residential in its current form is not considered to represent a sustainable form of development. Given the contrived layout, small unit size, access arrangements (internally and externally), low levels of natural light and ventilation and the poor standard of accommodation provided it is not considered that this building offers an attractive or satisfactory living environment. People occupying this building would be unlikely to do so through choice, in the long term. This type of accommodation does not offer a genuine sustainable form of residential development.

#### Impact on neighbours

- 5.28 Policy HSG4 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 5.29 It is not considered that the unauthorised change of use would harm neighbouring properties in terms of noise and disturbance. There is no increase in overlooking or loss of privacy and the operational development undertaken does not harm neighbours by way of overshadowing or loss of outlook.
- 5.30 However, in order to facilitate the unauthorised conversion the owner has extended the existing building internally by excavating behind the existing unit which is underneath the yard area and access stairs for nos. 1A and 1B Halesworth Road.
- 5.31 Although it is accepted that construction matters are more usually a Building Regulation issue, it is considered that excavation works that have been undertaken are substantial . This has compromised access to the flat at 1B Halesworth Road and could have had significant structural implications on the neighbouring residential properties. Although not strictly a planning issue, the owner has, as a result of the excavation undertaken, caused some damage to the neighbouring flat as cracks have appeared within the rear kitchen wall of that property. Building Control officers have previously visited the site and have seen that the works were being undertaken without structural support and considered this work dangerous.
- 5.32 In addition, to representations received as part of the planning application submitted in 2010, it also appears that the land above the excavated section of the building is not within the applicant's ownership. The deeds to the owner's property clearly states that he only owns what was previously the store and the toilet and does not have title to any of the land surrounding it, though there is likely to be a right of access over the yard area. Consequently the works undertaken affect land not in the ownership of 21 Loampit Hill. Whilst this isn't a matter to be regularized through the planning system, it is important to note that it has not been demonstrated that a satisfactory residential unit can be provided within the legal curtilage of 21 Loampit Hill.

## Transport

- 5.33 London Plan and Core Strategy Policies encourage sustainable transport modes whilst recognising the need for operational parking for commercial uses and disabled parking facilities. Car parking standards within the London Plan should be used as a basis for assessment. Cycle parking should be provided in accordance with London Plan standards.
- 5.34 Given the location of the site and high PTAL rating the Council would be unlikely to raise an objection to the use of this small building for commercial or residential purposes on the grounds of increase in traffic generation or parking problems. However, all residential units are required to provide secure, covered cycle storage. It has not been demonstrated that such facilities can be provided for the existing unit. Consequently the existing development fails to comply with Policy 6.9 Cycling in the London Plan and Core Strategy Policy 14: Sustainable movement and transport in this respect.

## Summary

- 5.35 Overall for the reasons stated the unauthorised conversion of this building to residential use (and the operational development required to facilitate the conversion) is considered to be an unacceptable form of development that has resulted in the creation of a poor standard of dwelling, which is detrimental to neighbouring amenity and to the character and appearance of the site and surrounding area.
- 5.36 The benefit to the Borough of this one additional unit is far outweighed by the adverse impact of the development as set out in this report.

## **6.0 Legal Implications**

- 6.1 Government Policy advice to local planning authorities on the use of their enforcement powers is set out in The National Planning Policy Framework (2012). They have been given primary responsibility for taking whatever enforcement action may be necessary in the public interest.
- 6.2 The Local Government Ombudsman can make a finding of "maladministration" if a Council fails to take enforcement action when it is plainly necessary to do so.
- 6.3 For the planning system to be robust and to fully achieve its objectives, local planning authorities should take a proportionate approach to enforcement. Where developers or individuals have proceeded without due regard to the planning process, resulting in unacceptable impacts on the local community, local planning authorities should take appropriate action.
- 6.4 Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.

## **7.0 Human Rights Implications-**

7.1 Implications in relation to the Human Rights Act 1998 (HRA) have been identified in regards to the alleged breach. Action will therefore be relevant to the occupiers' Article 8 rights and potentially their Article 1 rights under the first protocol of the HRA, as set out below:

### Schedule 1, Part I - The Convention

#### Article 8 Right to Respect for Private and Family Life

- (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
- (2) There shall be no interference by a public authority with the exercise of his right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

### Schedule 1, Part II - The First Protocol

#### Article 1 Protection of Property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

7.2 In relation to Article 8 particular consideration has been given to the personal circumstances of the occupiers of the residential premises and impact on the occupiers in taking enforcement action. At the time of writing this report Officers understand occupation of the premises to be transient and in any event for the reasons demonstrated in this report, given the standard of residential accommodation provided it is considered to be in the public interest to take proportionate enforcement action.

## **8.0 Equalities implications**

8.1 The Council has considered the public sector equality duty under section 149 of the Equalities Act 2010 and in the exercise of its functions to have due regard to the need to eliminate discrimination, harassment and victimisation and any other conduct which is prohibited under this Act and to foster good relations between persons who share a relevant protected characteristic and those who do not share it. The new duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race religion or belief, sex and sexual orientation.

8.2 As with the case with the original separate duties, the new duty continues to be a “have regard duty” and the weight to attach to it is a matter for the committee bearing in mind relevance and proportionality. It is not an absolute requirement to eliminate discrimination, advance equality of opportunity, advance equality of opportunity or foster good relations.

8.3 It is considered that in this matter there is no known impact on equality and pursuing enforcement action is proportionate and appropriate in all the circumstances.

## **9.0 Conclusion**

9.1 The conversion of this building to residential use is an unacceptable form of development by virtue of the poor standard of accommodation provided in terms of unit size, layout, provision of natural light and ventilation, internal access arrangements and lack of refuse, recycling and cycle storage facilities. Furthermore the external alterations have an adverse visual impact on the character and appearance of the host building particularly when read against the backdrop of the main building on the site, which is detrimental to the visual amenity of the streetscene and character of the area. Accordingly it is considered expedient to serve an Enforcement Notice to remedy the breach of planning control.

9.2 The unauthorised development is contrary to Policies 3.3 Increasing housing supply, 3.4 Optimising housing potential, 3.5 Quality and design of housing developments, 6.9 Cycling, 7.1 Building London’s neighbourhoods and communities, 7.2 An inclusive environment, 7.4 Local character, 7.5 Public realm and 7.6 Architecture in the London Plan (2011), Policies URB 3 Urban Design, URB 6 Alterations and Extensions, HSG 4 Residential Amenity, HSG 5 Layout and Design of New Residential Development and HSG 10 Conversion of Office and other Commercial Space to Residential Accommodation in the Unitary Development Plan (2004), Objective 1: Physical and socio-economic benefits, Objective 2: Housing provision and distribution, Objective 3: Local housing needs, Objective 5: Climate change, Objective 10: Protect and enhance Lewisham’s character, Spatial Policy 1: Lewisham Spatial Strategy, Spatial Policy 5: Areas of Stability and Managed Change, Policy 1: Housing provision, mix and affordability, Policy 7: Climate change and adapting to the effects, Policy 8: Sustainable design and construction and energy efficiency, Policy 14: Sustainable movement and transport and Policy 15: High quality design for Lewisham in the Core Strategy (2011) and Residential Standards SPD (2006).

## **10.0 Requirements of Enforcement Notices-**

10.1 To cease the residential use of the premises and to secure the reinstatement of the shop front which comprises a stallriser with large glazed panels above and central access door as shown on the attached plan.

10.2 In order to ensure that the breaches of planning control are properly resolved it will be necessary to:

- Cease residential use of the premises
- Remove the bathtub, macerator toilet and all fittings and fixtures associated with their installation.

- Remove the internal partitions that divide the shop unit into two rooms and separate bathroom to reinstate a single commercial space in accordance with plan entitled ' Existing Ground Floor Plan' and 'Existing First Floor Plan' attached as Appendix C.
- Remove the household appliances, namely the cooker and washing machine from the upper level, and all fixtures and fittings associated with their installation.
- Remove the 2 UPVc windows and UPVc residential door in the front elevation of the building and reinstate a shopfront in accordance with the plan entitled 'Existing Front Elevation' attached as Appendix A;
- Remove the existing UPVc window and UPVc residential door in the front elevation of the main building (upper floor level) and reinstate a timber window and door to match those in the photograph attached as Appendix B;

## **11.0 RECOMMENDATION**

AUTHORISE THE HEAD OF LAW to take all necessary action to cease the residential use of the premises and to secure the reinstatement of the shop front which comprises a stallriser with large glazed panels above and central access door as set out in in 9.1 and 9.2 above for the following reasons:-

- 11.1 The conversion of this building to residential use is an unacceptable form of development by virtue of the poor standard of accommodation provided in terms of unit size, layout, provision of natural light and ventilation, internal access arrangements and lack of refuse, recycling and cycle storage facilities. The accommodation would adversely affect the amenity for future occupiers contrary to Policies 3.3 Increasing housing supply, 3.4 Optimising housing potential, 3.5 Quality and design of housing developments, 6.9 Cycling, 7.1 Building London's neighbourhoods and communities and 7.2 An inclusive environment, in the London Plan (2011), Policies HSG 4 Residential Amenity, HSG 5 Layout and Design of New Residential Development and HSG 10 Conversion of office and other Commercial Space to Residential Accommodation in the Unitary Development Plan (2004), Objective 1: Physical and socio-economic benefits, Objective 2: Housing provision and distribution, Objective 3: Local housing need, Objective 5: Climate change, Spatial Policy 1: Lewisham Spatial Strategy, Spatial Policy 5: Areas of Stability and Managed Change, Policy 1: Housing provision, mix and affordability, Policy 7: Climate change and adapting to the effects, Policy 8: Sustainable design and construction and energy efficiency, Policy 14: Sustainable movement and transport and Policy 15: High quality design for Lewisham in the Core Strategy (2011) and Residential Standards SPD (2006).
- 11.2 The external alterations fail to reflect the lawful function of the building as a commercial premises and by virtue of detailed design and materials have an adverse visual impact on the character and appearance of the host building particularly when read against the backdrop of the main building on the site, which is detrimental to the visual amenity of the streetscene and character of the area. Consequently the development is contrary to Policies 7.1 Building London's neighbourhoods and communities, 7.4 Local character, 7.5 Public realm and 7.6 Architecture in the London Plan (2011), Policies URB 3 Urban Design and URB 6 Alterations and Extensions Unitary Development Plan (2004), Objective 1:

Physical and socio-economic benefits, Objective 10: Protect and enhance Lewisham's character, Spatial Policy 1: Lewisham Spatial Policy, Spatial Policy 5: Areas of Stability and Managed Change and Policy 15: High quality design for Lewisham in the Core Strategy (2011).

11.3 Period for Compliance: 3 months

## Appendix A



21 Loampit Hill: Existing Front Elevation

## PLANNING APPLICATION

### BOLANS ARCHITECTS

PROJECT: 21 LOAMPIT HILL  
TITLE: EXISTING FRONT ELEVATION  
SCALE: 1:100 @ A3  
DRAWN: LAF  
DATE: JUNE 2010  
DRAWING NO: BA/08/151/08  
REV:

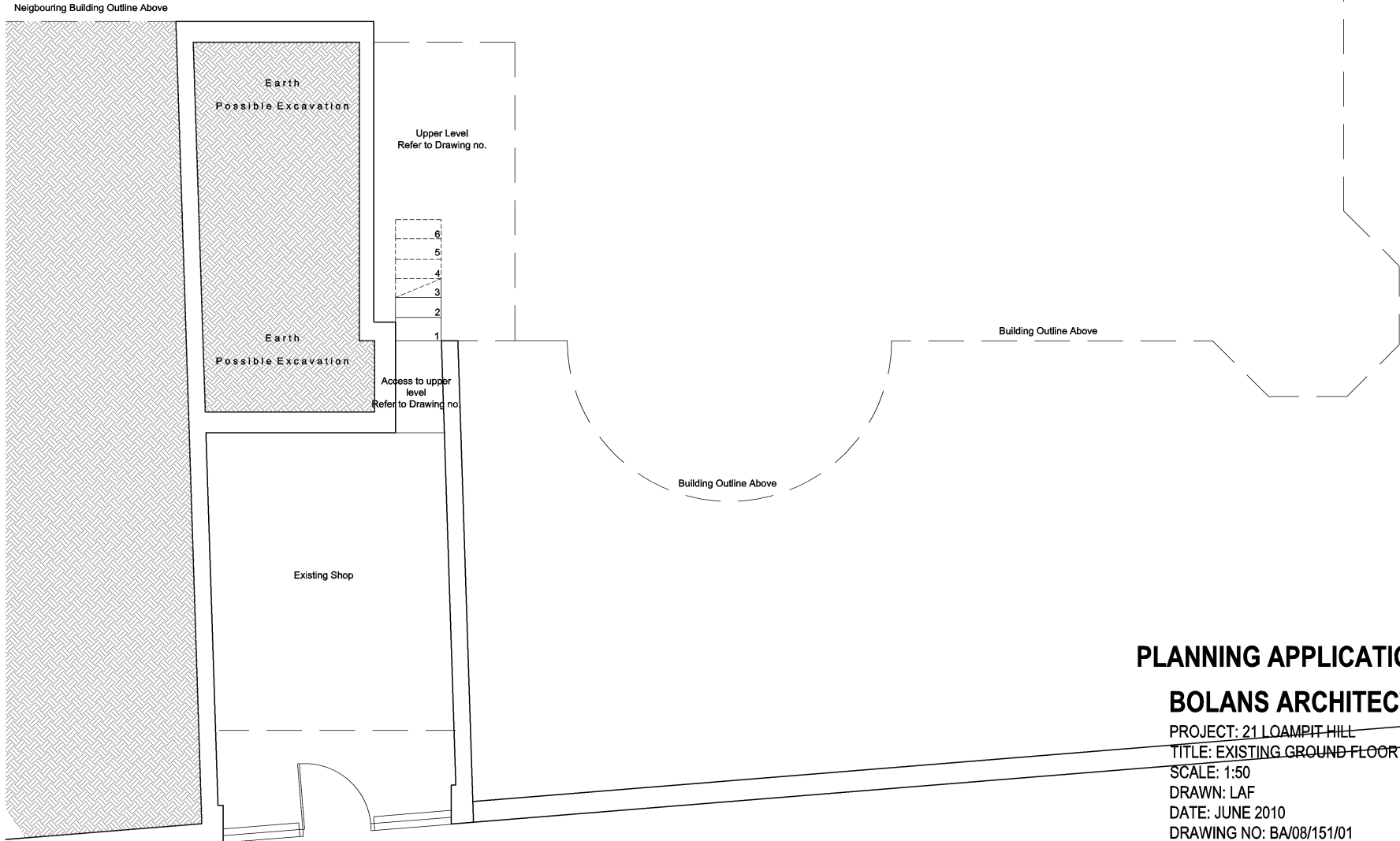
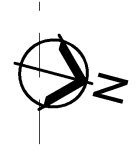


## Appendix B



## Appendic C



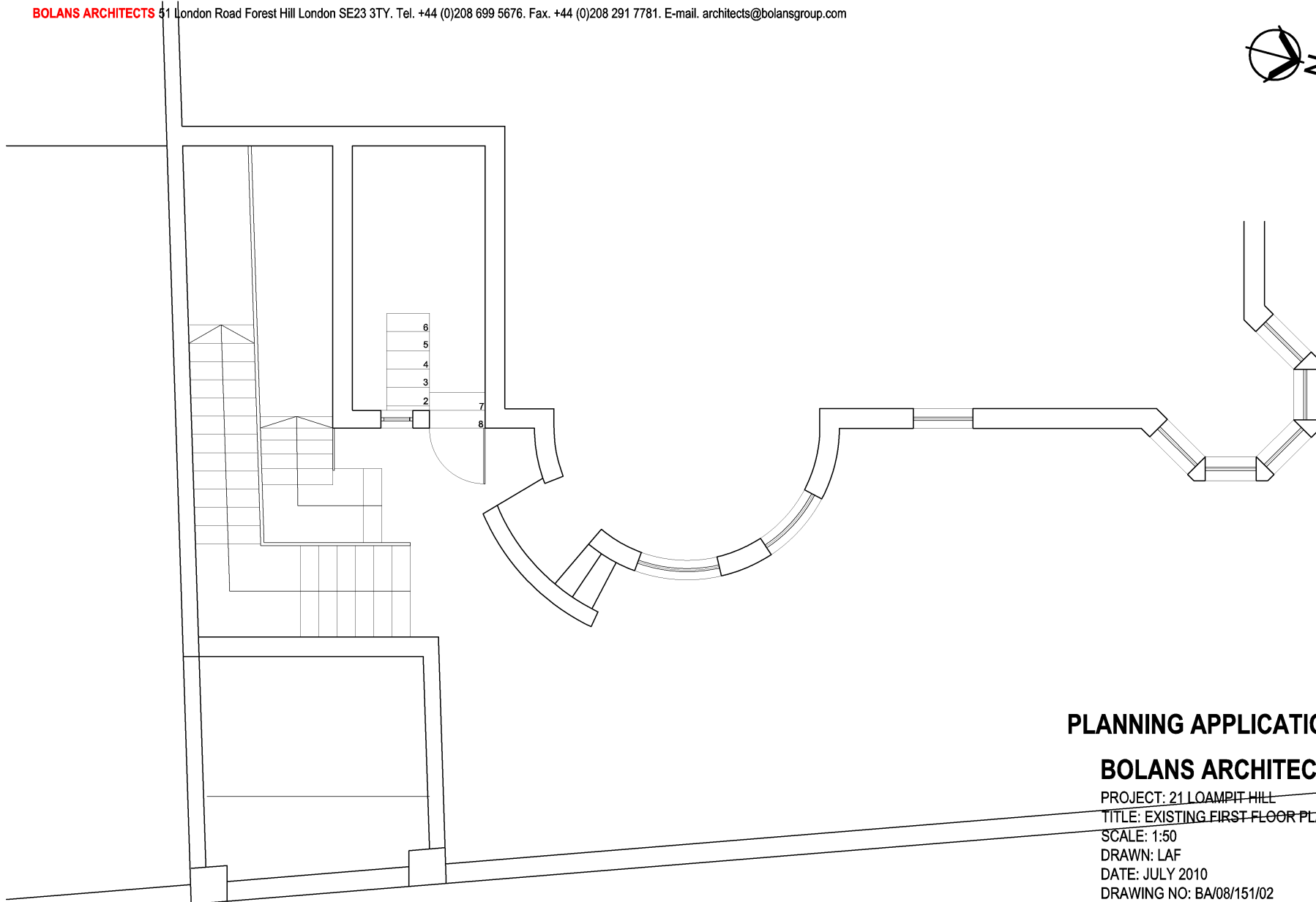


21 Loampit Hill: Existing Ground Floor Plan

**PLANNING APPLICATION**

**BOLANS ARCHITECTS**

PROJECT: 21 LOAMPIT HILL  
TITLE: EXISTING GROUND FLOOR PLAN  
SCALE: 1:50  
DRAWN: LAF  
DATE: JUNE 2010  
DRAWING NO: BA/08/151/01  
REV:



**PLANNING APPLICATION**

**BOLANS ARCHITECTS**

PROJECT: 21 LOAMPIT HILL  
TITLE: EXISTING FIRST FLOOR PLAN  
SCALE: 1:50  
DRAWN: LAF  
DATE: JULY 2010  
DRAWING NO: BA/08/151/02  
REV:

21 Loampit Hill: Existing First Floor Plan