
Appeal Decision

Site visit made on 11 October 2016

by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 October 2016

Appeal Ref: APP/N5660/W/16/3156332
56 Madeira Road, London SW16 2DE

- 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 Ms Jamila Chaudary against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/03409/FUL, dated 7 June 2016, was refused by notice dated 2 August 2016.
 - The development proposed is the conversion of 2 flats into 4 self-contained flats involving a rear roof extension, single storey rear extension, basement extension and erection of one lightwell.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The Council's decision letter describes the development as retrospective, and at the time of my site visit the property was already occupied as four self-contained flats. As such, I have determined the appeal on this basis.

Main Issues

3. The main issues are
 - i) whether the proposal would provide satisfactory living conditions for future occupants with regard to living space, outlook and light;
 - ii) the effect of the proposal on the character and appearance of the area; and
 - iii) the effect of the proposal on highway safety.

Reasons

Living conditions

4. There is dispute between the parties as to the floor area of some of the flats, the number of bedrooms and the capacity of the bedrooms. One such area of dispute is the room in the first floor flat annotated on the plans as a store. From my site visit it was clear this room was in use as a single bedroom. This makes the first floor flat a four person, three bedroom unit. Both parties measure this flat at less than 70 square metres, which is below the minimum of
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74 square metres as advised in the Government's Technical housing standards¹. Accordingly this flat provides sub-standard accommodation.

5. Similarly, the storeroom in the basement, which was empty at the time of my visit, is easily large enough to be used as a third bedroom for at least one person or another type of habitable room. Whilst this does not necessarily make this flat sub-standard in terms of its floor area, the ceiling height in this room is very low and below the minimum of 2.3 metres as advised in the Technical housing standards. Additionally there were some beams which crossed the ceiling which reduces the headroom to less than 2 metres. Even if this room were to be used for storage, the ceiling height in the adjacent basement room, which is identified as a bedroom on the plans, is the same and so has a poor living environment.
6. Furthermore, the window serving the basement bedroom is small and only the very top of this window is above ground level. The lightwell in front of the window is only as wide as the window and little more than half a metre deep and as such the amount of light entering the room through this window is limited and the outlook from the window is poor. Indeed whilst I was in this room it was necessary for the light to be on so as to be able to see clearly, despite the fact that my visit was conducted in the early afternoon on a bright day. This therefore also leads to a poor living environment, and the persistent need for artificial light would not represent energy efficiency.
7. The amount of light entering the basement hallway is not critical to the living conditions of the occupiers of that flat, and the front room in the basement appeared to be adequately lit by the front facing window. Also, if both the rooms identified as storerooms were used as bedrooms, the flats do still have sufficient room for storage within them. I also consider all flats have acceptable access to the rear communal garden.
8. Nonetheless, the low headroom in the basement, the poor outlook from the basement bedroom window and the associated lack of daylight received by this window means the occupiers of this flat would not have acceptable living conditions. Also the substandard floor area of the first floor flat means this does not provide acceptable living conditions for the occupiers of this flat. Accordingly the development would be contrary to Policy Q2 of the Lambeth Local Plan (LLP) which aims to protect the amenity of future occupants, Policy H5 of the LLP which requires good standards of design in housing, and Policy EN4 of the LLP which requires development to meet high standards of sustainable design including during its operation.
9. Whilst I note the current tenants may consider the accommodation to be acceptable, I must also consider future tenants and their living conditions.

Character and appearance

10. The property comprises a large semi-detached house in a suburban setting. Although many of the dwellings in the area have been extended or altered, generally they retain their original form and character which contributes a degree of consistency to the appearance of the area. In particular, the properties in proximity of the site have mostly retained the form of their rear outrigger, the exception being No 50 which has had a rear mansard roof.

¹ DCLG. 2015. Technical Housing Standards – nationally described space standards.

11. The rear roof extension occupies almost the whole of the roof of the rear outrigger and rises up to the ridge of the original roof. When seen in the context of the host property and the neighbouring dwellings, it appears obtrusively large and visually dominant and unsympathetic to the form of the host property. The extension at No 50 is lower than its ridge, is slightly smaller than the building below it, and so is not comparable to the appeal development. The other roof extensions in the area are further from the site and are not seen in the same context. Also, although the extension is not visible in the street scene, it is visible from a number of properties and, due to its incongruity, harms the character and appearance of the area.
12. The ground floor extension is similar in its depth to the ground floor extension at the adjacent property at No 54. As such, though it does result in the building having an extensive and lengthy footprint, it would not, in itself, detract from the character and appearance of the area.
13. Nonetheless, the roof extension fails to accord with Policy Q11 of the LLP which, among other things, requires development to not dominate the host building. It would also conflict with the guidance in the Council's Building Alterations & Extensions Supplementary Planning Document which provides advice on the design of roof extensions and supports good design.
14. One of the reasons for refusal relates to the loss of a family house as a result of the development. From the evidence before me it appears the Council do accept that the likely lawful use of the building is as two flats, although there is no planning permission for this use. Accordingly, the development has not resulted in the loss of a single unit of family accommodation and in this respect, the character and appearance of the area has not been harmed. However this does not outweigh the harm I have found in respect of the effect of the rear roof extension on the character and appearance of the area, or in respect of the other main issues.

Highway safety

15. There is no off-street parking available at the site and on-street parking in proximity of the site is already prevalent. As such any increase in pressure on the on street parking available may result in cars parking in positions that adversely affect the efficient operation of the highway and compromise highway safety.
16. The site is accessible by a number of modes of public transport, however I consider it likely that some of the occupiers of the development have or would have cars. Indeed the number of cars parked on the street at the time of my visit suggests that, despite the site's proximity to public transport, there is significant car ownership in the area. In the absence of any evidence to suggest that any need for car parking generated by the development can be safely accommodated on the streets near the site, I am not able to conclude that the development does not adversely affect the efficient operation of the highway and compromise highway safety.
17. As such I must conclude that the development fails to accord with Policy T6 of the LLP which requires proposals to provide sufficient evidence to demonstrate their transport effects, and Policy T7 of the LLP which requires development to provide adequate parking.

Other matters

18. Although the plans do not show areas for waste or cycle storage, it is considered such facilities could be secured by way of a planning condition, and the Council have provided a suggested wording.

Conclusion

19. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR