
Appeal Decision

Site visit made on 9 September 2016

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 27 October 2016

Appeal Ref: APP/N5660/W/16/3150856

Land between 53 to 57 Iveley Road, London SW4 0EN

- 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 Iveley Road Developments Limited against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/01254/FUL, dated 26 February 2016, was refused by notice dated 22 April 2016.
 - The development proposed is construction of a new 3 storey 2 bedroom dwelling with associated cycle parking, refuse storage, outdoor amenity space and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application form gives the address of the appeal site as 55 Iveley Road, whereas subsequent documents give the address as 'Land between 53 to 57 Iveley Road'. I have adopted the latter reference as it describes more clearly the location of the site.
3. The Council's decision notice set out six reasons for refusal. The fifth of these relates to affordable housing contributions. However, the Council has confirmed that they will no longer be pursuing this reason for refusal, following the reinstatement of the Written Ministerial Statement of 28 November 2014, which states that Councils should not seek affordable housing contributions on sites of less than 10 residential units. Consequently, this matter does not need to be considered in the context of this decision. The main issues are therefore as set out below.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the surrounding area;
 - Whether the proposal would provide adequate living conditions for future occupants, with particular regard to outdoor space;
 - The effect of the proposal on the living conditions of neighbours, with particular regard to overlooking.
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- Whether the proposal would provide satisfactory facilities for cycle storage, and ;
- The effect of the proposal on local parking conditions.

Reasons

Character and appearance

5. The surrounding area on Iveley Road is primarily characterised by two storey Victorian terraced dwellings which are homogenous in design, with features such as double height bay windows and paired front entrances. Despite some alterations, their visual uniformity is an important aspect of the area's appearance. No 57, by contrast, is a three storey property of a different design to the adjacent terraces. The proposed dwelling would infill the gap between Nos 53 and 57, sitting in line with its neighbours, and would include a small front garden. To that extent, it would reflect the character of its surroundings.
6. The design of the proposed dwelling is intended as a contemporary interpretation of the more traditional character of the terraced houses. Such an approach can often work, providing the new design can be successfully integrated within the existing context. In this case, however, the contrast between the development and its neighbours would be visually jarring.
7. The proposal would incorporate a third storey with full height glazing set behind a front terrace, and which would be markedly at odds with the prevailing built form of Iveley Road. The third storey would cause the roof to sit substantially higher than that of No 53. I accept that the proposal would be lower than No 57, and that it is intended to form a transition between it and No 53. However, whilst the ridge heights along the terrace step up gradually to follow the rise of the land on the road, this jump would be more abrupt than is characteristic within the street.
8. In conjunction, the tops of the proposed ground and first floor windows would sit at a lower level than the neighbouring windows, producing a design that would appear ill proportioned in its context. Furthermore, the neighbouring dwellings have front doors which are announced by decorative surrounds, giving them presence in the street scene. The new house would have a plainer door without embellishment which would evoke the aesthetic of a service entrance rather than the higher status of a main front door.
9. Taking all of these design factors in combination, I consider that the proposal would therefore be an uncharacteristic and incongruous addition which would unacceptably harm the character and appearance of the surrounding area. It would therefore conflict with Policy Q5 of the Lambeth Local Plan (LP, September 2015), which seeks to sustain local distinctiveness, and LP Policy Q7, which sets out urban design criteria for new development.

Living conditions of future occupants

10. The proposed outdoor amenity area for the new dwelling would comprise the front garden, the rear balcony, and the roof terrace to the front, amounting to approximately 14.2sqm. LP Policy H5(b) requires 30sqm of outdoor space per new house.

11. I accept that the London Plan Housing Supplementary Planning Guidance (SPG, March 2016) requirement of 6sqm of outdoor space would be met. However, the accompanying text clearly states that the space should be of practical shape and care should be taken to ensure it offers good utility. In this case, the allocated spaces do not offer sufficient quality. The front garden space would be constrained by the presence of the bin stores and the shape of the bay window, and would offer little privacy. The front roof terrace to the second floor would offer a more usable size and shape, but it would also lack privacy. The terrace to the rear of the proposed first floor is very constrained in size, particularly taking into account the space taken up by the outward arc of the door. In addition, the brick wall of approximately 1.7m in height would reduce the outlook, and result in a cramped, enclosed space.
12. I therefore conclude that the proposal would unacceptably fail to provide adequate living conditions for future occupants due to the lack of sufficient good quality outdoor space, and so the proposal would conflict with LP Policy H5. Due to the poor quality of the proposed outdoor space, the proposal would also conflict with the requirements of the SPG.
13. The SPG also requires a furniture schedule, as set out in Part M of building regulations, which has not been supplied. The Council is further concerned about the inappropriate stacking of rooms and the lack of a living room at ground floor level, as required by the Lifetimes Homes Requirements. However, as I have concluded above that the proposal would unacceptably harm the living conditions of future occupants, I have not considered this matter in any further detail.

Living conditions of neighbours

14. The Council have raised concern that the proposed rear terrace would give rise to overlooking of the private rear garden at the neighbouring 57 Iveley Road. I have found above that, due to its restricted size, the rear terrace would be limited in its usefulness as outdoor space. It would also be partly enclosed by a solid 1700mm high wall to mitigate overlooking between the properties.
15. In view of these factors, and the oblique views that would be obtained towards the garden of No 57 in any case, I do not consider that any additional overlooking from this terrace would be so harmful to the living conditions of the neighbours as to warrant the withholding of planning permission. I therefore conclude that the proposal would comply with LP Policy Q2, which seeks to protect amenity.

Cycling

16. The submitted proposed floor plans show provision for the storage of two bicycles within the study on the ground floor. This arrangement would require bicycles to be wheeled across a habitable space, which would be unsatisfactory. From this storage position, the bicycles would have to be manoeuvred through two doorways to egress the building. The text accompanying LP Policy Q13 states that users should not be expected to take their bicycles through more than one doorway. Furthermore, the text discourages the vertical storage of bicycles as the lifting up of the bicycles may be difficult for some. However, the appellant has not demonstrated that there is no alternative whereby bicycles could be stored horizontally.

17. The proposal would therefore be contrary to LP Policy Q13, insofar as it requires cycle storage to be directly and conveniently accessed from outside the building.

Parking

18. The appeal site is located within an area which achieves a PTAL score of 2, which is considered 'poor', and indicative that residents would be likely to be relatively car-dependent. The site is also within a Controlled Parking Zone. The Council's Transport Officer has therefore advised that the proposed dwelling should be secured as a car free development by way of a section 106 agreement. The appellant argues that the reinstatement of the kerb would facilitate an additional on-street car parking space, and so the new dwelling should have one parking permit, to be controlled by a car permit capping legal agreement.
19. LP Policy T6 states that planning applications will be supported where they provide improvements in terms of transport capacity and infrastructure. LP Policy T7 requires that development should be car-free, including permit-free and permit-capped schemes, particularly in areas where alternative modes of transport are available and where public transport accessibility is high. It does not make such provision for areas of low accessibility.
20. I therefore consider that, by providing an extra on-street parking space, the proposal would not adversely affect parking pressure in the area. In the event that the scheme was otherwise to be found acceptable, I am satisfied that a suitable restriction could be put in place by a legal agreement. I therefore find no conflict with LP Policies T6 or T7.

Other matters

21. Although the appeal site was not derelict at the time of my site visit, the proposed use of previously developed land would represent the effective use of the plot, as sought by the National Planning Policy Framework. The proposal would also contribute a dwelling to the stock of housing in the borough, which is an important local and national policy objective. However, whilst these benefits are to be given weight, they would not outweigh the harm I have identified above. I have had regard to the previous appeal decision¹ in respect of this site, and I note that the present scheme takes steps to address the issues raised. However, in view of my concerns regarding the current appeal scheme, this has not led me to a different conclusion.
22. I note that the appeal site lies within the vicinity of the Rectory Grove Conservation Area and the Wandsworth Road Conservation Areas, and St Paul's Church, which is listed grade II*. I am required to have special regard to preserving or enhancing the character or appearance of conservation areas, and to preserving the setting of listed buildings. However, there is no evidence before me to demonstrate that the appeal site contributes to the significance of these heritage assets, and so I am satisfied that the development would preserve their interest.

¹ APP/N5660/A/08/2077514

Conclusion

23. Despite my finding that the development would not harm the living conditions of neighbours, or parking provision in the area, it would unacceptably harm the character and appearance of the area, and the living condition of future occupants. It would also fail to provide satisfactory cycle storage facilities.
24. The proposal would therefore conflict with the development plan and the NPPF when each is read as a whole. Therefore, taking all other matters into consideration, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR