
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/16/3147999

106 Crimsworth Road, London SW8 4RL

- 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 Luke Wilson against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 15/04593/FUL, dated 11 August 2015, was refused by notice dated 9 October 2015.
 - The development proposed is conversion of a dwelling into two flats.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The description of the development varies between the application form and the subsequent documents. I have used the description on the application form as it describes the development more succinctly.
 3. No 106 Crimsworth Road was originally a single terraced dwelling, but has since been divided into two flats. The Council states that this change of use was carried out without planning permission, and the appellant does not appear to dispute this. The application seeks permission for conversion to two units, together with various minor internal and external alterations. On my visit I saw that the later had already been started. I have therefore dealt with the appeal on the basis that what is sought is retrospective permission, both for those alterations and for the change of use.
 4. The appellant states that the building is currently in Use Class C2, which includes residential institutions, for example, residential care homes or boarding schools. There is no evidence before me to suggest that the current use of the building falls into any of the categories covered by Use Class C2. I have therefore considered the appeal site as falling within Use Class C3.
 5. The Council's decision notice set out six reasons for refusal. The second 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.
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Main Issues

6. The main issues are:

- Whether the proposal would result in the loss of a family-sized dwelling;
- Whether the proposed ground floor flat would provide a satisfactory standard of accommodation, with particular regard to internal space;
- Whether the proposed accommodation would result in satisfactory living conditions for future occupants, with particular regard to provision for wheelchair access;
- Whether the proposal would be acceptable in terms of energy efficiency, and;
- Whether the proposal would result in an unacceptable risk of flooding for future occupiers of the development.

Reasons

Loss of family-sized dwelling

7. The appeal site is located in a predominantly residential area, and the proposal would result in the subdivision of the existing dwelling into two self-contained flats.
8. Policy H6 of the Lambeth Local Plan (LP, September 2015) seeks to protect family-sized dwellings. Outside areas of conversion stress, and away from main roads, this is defined as dwellings under 150 sqm. The accompanying text also refers specifically to houses with three or more bedrooms and ground floor access to a rear garden. The appeal site fulfils these criteria. The total floor area of the existing dwelling is approximately 133sqm, thus falling short of the stated threshold.
9. The appellant states that the first floor flat would be suitable for a small new family. However, it would not have ground floor access to a rear garden, and would be less suitable for family occupation than the existing dwelling. In my view, neither of the proposed units would provide a satisfactory family unit.
10. I therefore conclude that the proposal would result in the unacceptable loss of a unit suitable for family occupation. In the absence of any compelling argument to set aside the provisions of LP Policy H6 in this respect, I consider that the proposal would be in conflict with it. Furthermore, Policy H6 is consistent with the aims of the National Planning Policy Framework (NPPF) which, at paragraph 50, sets out the need for a mix of housing to cater for, amongst others, families with children.

Standard of internal accommodation

11. The ground floor flat would have an internal floorspace of around 44.72sqm, which would fall short of the required 50sqm for a one bedroom, two person flat, as required by the Housing Standards Policy Transition Statement (HSPTS, May 2015) .
12. The appellant contends that the ground floor flat would comply with the internal floorspace requirements if classified as a one bedroom one person flat. Be that as it may, the application has been made on the basis that this flat

should be considered as a one bedroom two person flat, as shown on the proposed plans. In failing to meet the required internal floorspace, the proposal would result in an unacceptable standard of accommodation. It would therefore conflict with LP Policy H5, which, amongst other things, requires that proposals for conversions should accord with principles of good design in respect of housing standards.

13. Whilst I accept that the proposal may have complied with the previous policy in this regard, decisions must be made with regard to the policies currently in force. This matter has therefore not led me to a different conclusion on this issue.

Wheelchair access

14. LP Policy Q1 seeks to secure inclusive environments, seeking improvements to existing accessibility provision, and expecting applicants to show in their supporting statements how their proposals achieve inclusive design. The Council has raised concerns regarding wheelchair accessibility and adaptability in respect of the proposed ground floor flat. From the submitted proposed plans, it appears that the entrance hallway to the building and the internal hallway of the ground floor flat would be narrow, and difficult for a wheelchair to navigate. The door widths would be less than 1m, and there would be little turning space. The bathroom door would open into and block the hallway, which would be problematic for a wheelchair user.
15. I accept that conversions can offer greater challenges than new developments in terms of access issues. Nonetheless, I am concerned that the proposal would fail to achieve the inclusive design needed for suitable wheelchair access, and would thus unacceptably fail to meet the needs of all likely future users. It would therefore be contrary to LP Policy Q1.
16. The appellant lists a number of criteria that would be achieved with regard to Lifetime Homes Compliance. I also note the appellant's contention that the development would offer an improvement over the existing environment, and that improvements to the electrical and plumbing systems would be carried out. Furthermore, compliance with the relevant building regulations would be a requirement. However, these matters have not led me to a different conclusion on this issue.

Energy efficiency

17. The Council is concerned that insufficient information has been submitted in respect of the energy efficiency or sustainability of the proposed development. The appellant states that the proposed works would be carried out in a sustainable manner, but provides little further detail on this matter.
18. Nonetheless, the Council has suggested a condition requiring the submission and approval of an Energy Statement, and I am satisfied that the matter could be appropriately dealt with in this way, in the event that all other matters were found to be acceptable. I therefore find no conflict with Policy 5.2 of the London Plan (March 2015).

Flood risk

19. The Environment Agency (EA) has identified the property as lying within Flood Zone 3, which indicates a high probability of flooding. In response to the EA's

comments and the Council's concerns, the appellant has submitted a Flood Risk Assessment (FRA, dated March 2016). This document states that the appeal site is located within Zones 2 and 3, and as such falls within the 1 in 100 year flood plain. It notes that the development would retain a finished floor level of 2.175 AOD, similar to that of the surrounding dwellings.

20. The FRA proceeds to apply the 'Exception Test', and finds that the development would meet the test of wider sustainability benefits on the basis that it would provide additional housing. It also concludes that the site is on previously developed land, and that flood defences in the area would provide a buffer to ensure safe egress from the building.
21. The Council disputes the conclusion of the FRA, stating that it has not cross referenced the floor levels of the property with the EA's flood levelling data to show that the ground floor bedroom would be sited above the known flood level. LP Policy EN5 sets out a number of requirements for FRAs, including the need to consider the impact of climate change on flood risk to and from the development, and the need to consider risks associated with all sources of flooding.
22. Whilst I accept that there would be little overall physical change to the building, its division into two units would intensify its use. In view of the high probability of flooding, as identified by the EA, I am therefore concerned that the FRA has not included the information required by the Council, and has therefore provided insufficient analysis to demonstrate that the proposal would not give rise to an unacceptable risk of flooding for future occupiers of the development. The proposal would therefore fail to comply with LP Policy EN5.

Other Matters

23. I accept the appellant's argument that the development would add to the housing supply target in the area, which is an important local and national policy objective. It would also offer a variety of tenure. However, there is no evidence before me to support the assertion that the new units would be offered as affordable housing, as defined in the glossary (Annex 2) of the NPPF. In any case, these matters would not outweigh the harm I have identified above.

Conclusion

24. For the reasons above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR