

Appeal Decision

Site visit made on 4 October 2016

by David Cliff BA Hons MSc MRTPI

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

Decision date: 7th December 2016

Appeal Ref: APP/N5660/W/16/3155046

90 Ellison Road, London SW16 5DD

- 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 Sadie Allen against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/01705/FUL, dated 16 March 2016, was refused by notice dated 11 May 2016.
 - The development proposed is described in the application as "1- Permitted development loft extension for single occupancy flat. 2 - Conversion of single occupancy house into three flats".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's description of development (as stated above) includes reference to a 'permitted development loft extension'. Notwithstanding the reference to permitted development, the Council has used a revised description of development and has considered the loft extension as part of the application proposals. The appellant's statement also refers to the loft conversion as part of the appeal proposal and I have considered the appeal on this basis.

Main Issues

3. The main issues are:
 - i) The effect of the proposal upon the supply of family sized housing,
 - ii) The effect upon the character and appearance of the area,
 - iii) Whether the proposed development would provide for satisfactory living conditions for future occupants, and
 - iv) The effect upon local parking and highway safety.

Reasons

Family sized housing

4. Policy H6 of the Lambeth Local Plan September 2015 ('the Local Plan') sets out criteria to protect dwellings suitable for occupation by families in certain
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- circumstances. The second of these criteria is that dwellings suitable for occupation by families of less than 150 sqms (as originally constructed) and not on the main road networks will be protected.
5. Within its appeal statement, the Council has set out calculations to demonstrate that the original floor area of the property is less than 150 sqms. Whilst the existing floor area, including the extension to the property, is more than 150 sqms, policy H6 refers to the floor area as *originally* constructed rather than the existing floor area. The appellant has not provided any detailed evidence to counter the Council's calculations.
 6. From my observations the appeal property appears to be suitable for occupation by a family. Although the original floor area of the property is only slightly less than 150 sqms and not with an area of 'conversion stress', its conversion would be in breach of the policy requirement and contrary to the Council's aim of ensuring mixed and balanced communities with a choice of family sized housing.
 7. The appellant has drawn attention to three other similar conversions in Ellison Road. Nevertheless, two of these conversions were granted planning permission under a now superseded development plan and I have no details of the circumstances relevant to the third example cited. I am also mindful that the Council's current policy has arisen from the desirability of maintaining the existing stock of family accommodation. I have therefore given these other developments only limited weight.
 8. Although the proposal would be acceptable in relation to certain other subsequent criteria set out by policy H6, such criteria only become applicable once the first two tests are met. I have also given some weight to the creation of additional dwelling units, but find this is outweighed by the need to protect existing family dwellings.
 9. I note that the proposal would provide for the most appropriate and viable use for the appellant and would allow the conversion of the property into a sustainable useful purpose. However such matters also do not outweigh the harm arising from the loss of an existing family dwelling.
 10. The proposed development would result in the loss of an existing dwelling suitable for family occupation, contrary to the relevant aims of policy H6 of the Local Plan.

Living conditions for future occupants

11. The Council's objection in this regard relates to the outlook from the bedroom in the second floor one bedroom flat (flat 3) and the Council's statement also raises concern regarding the constraints of the sloping roof of the bedroom.
12. The proposed roof light would provide an opportunity for a reasonable amount of daylight to enter the room and for ventilation as required, although I consider that it would provide for a restricted outlook. Whilst a bedroom would not necessarily require the same outlook as a living room, the proposed arrangement of the flat in general is such that other windows would be rather limited in their outlook with one window situated towards the corner of the proposed living/dining room and a high level window serving the kitchen area. The restriction in outlook from the bedroom would consequently weigh against the overall standard of living accommodation provided for this flat.

Furthermore, the space within the bedroom of this flat would be considerably restricted by the sloping roof which would constrain the use of the room.

13. Given these factors, I consider that the living conditions of the occupants of flat 3 would be constrained, contrary to the relevant design and amenity aims of Local Plan policies H5 and H6.

Character and appearance

14. The proposed roof extension would be located at the rear of the property and therefore would not be harmful to its appearance within the front streetscene. Its height would be set down from the main ridge level of the existing property with an additional, albeit minimal, clearance above eaves level. Although there is only a small window in its rearmost elevation, there is a further window in the part of the extension attached to the main roof.
15. Whilst it would be large in size, spanning the entire width of the rear roof, and would substantially change the appearance of the roof when viewed from the rear (including views from the adjacent railway line and other rear gardens) it would not result in significant harm to the overall character and appearance of the area.
16. The proposal would satisfactorily accord with the relevant design aims of the Local Plan policies Q2, Q5 and Q11, and the Council's Supplementary Planning Document for Building Alterations and Extensions (2015).

Local parking and highway safety

17. The appeal property is located with good access to public transport provision providing an alternative and sustainable means of travel to the private car. At the time of my site visit during the daytime, I observed there to be a reasonable amount of on-street parking availability, though this is likely to be much more restricted at night time.
18. It is possible that the proposal for three flats could result in a greater demand for parking than the existing dwellinghouse. However, given the proximity to public transport provision, I do not consider it certain that all future occupiers of the flats would own a car.
19. The Council states that the site is within an area of high parking stress though there is no detailed evidence before me to demonstrate that this proposal would result in any significant increase in demand for parking or that, if there was a significant increase, that this would result in harmful impacts from parking congestion, including upon highway safety or the free flow of traffic.
20. On this basis, from the evidence before me, I do not consider that the proposal would result in unacceptable impacts upon local parking conditions or highway safety. I therefore find no conflict with the relevant parking and highway aims of Local Plan policies T6 and T7.

Conclusion

21. I find that no harm would result from the proposed development upon the character and appearance of the area or upon local parking conditions and highway safety. I also acknowledge that the proposal would provide additional housing and that the appellant has sought to provide for an appropriate design solution, specific to the particular appeal premises.

22. However, I find that the proposal would be contrary to the Council's aim of protecting appropriate family sized housing and would result in unsatisfactory living conditions for the future occupants of flat 3. The resulting harm is the prevailing consideration and leads me to conclude that the proposal would not amount to sustainable development as defined by the National Planning Policy Framework.
23. Therefore, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR