

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: 9th December 2016

Appeal Ref: APP/N5660/W/16/3155188

6 Russell Grove, London SW9 6HS

- 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 Nicholas Newton against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/00529/FUL, dated 27 January 2016, was refused by notice dated 16 May 2016.
 - The development proposed is demolition of existing garage at rear of garden and erection of a single storey with basement dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council and appellant have both confirmed that listed building consent has been separately granted for the proposed development. Therefore, for the avoidance of doubt, I have determined this appeal on the basis of the application for planning permission only.

Main Issues

3. The Council's second reason for refusal relates to the lack of provision for affordable housing. However, in its appeal statement the Council has subsequently confirmed that, further to the Court of Appeal ruling in May 2016 and the subsequent updated Planning Policy Guidance, it will not be contesting the appeal on affordable housing grounds. The main issues are therefore:
 - i) Whether the proposed development would provide for acceptable living conditions for future occupiers,
 - ii) The effect of the proposal on local highway conditions and highway safety.

Reasons

Living conditions for future occupiers

4. The proposed dwellinghouse incorporates two floors, with the living/dining area at ground floor level and a bedroom, kitchen and bathroom in the basement. The living/dining room is served by a large area of glazing in the front elevation with an additional roof light. The basement of the proposal has windows facing
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both eastwards and southwards. However, given they are subterranean, the outlook from both windows on to the small adjacent terrace with additional boundary wall above would be significantly restricted. Although the appellant states that bedrooms and secondary living areas require less outlook than principle living areas, given the modest size of the dwelling containing one bedroom, the rooms in the basement would be key habitable areas taking up a substantial amount of the overall floor area. I have therefore attached significant weight to the poor outlook from the basement rooms.

5. The proposed amenity space amounts to a total of 10 sqms, split between a ground level area and a lower level serving the basement. The ground level amenity area would be located immediately adjacent to an existing parking/turning area. Whilst this is at the end of a cul-de-sac and so it is not subject to frequent passing traffic, at the time of my site visit this was in use for car parking and given the parking pressures in the locality I consider it likely that this area is often used for parking.
6. A solid brick wall is proposed that would provide screening for the ground floor amenity area. However, taking account of the limitations of the space provided, the wall would contribute to an unsatisfactory outlook from the amenity area that would not provide for an attractive outdoor space for future occupiers. The outlook from the subterranean part of the terrace would also be poor. Whilst it is common for balconies of flats to be located adjacent to roads or parking areas they usually have the benefit of being elevated allowing a satisfactory outlook. In this case I consider that the use of the proposed outdoor areas would be significantly constrained by a combination of their position and outlook. Although there are communal amenity/recreation areas located in the vicinity of the site, the concerns regarding the private individual amenity space accompanying the development weighs against the proposal.
7. The floor area of the proposed two storey dwellinghouse would be 53 sqms which the Council states is below the 58 sqms required by the *Technical housing standards – nationally described space standard* for one bedroom two storey dwellings. The appellant considers that the appropriate minimum standard in this case should be 47 sqms on the basis of the proposal being suitable for single person occupancy
8. Notwithstanding the disagreement between the parties on this matter, the Written Ministerial Statement of 25 March 2015 makes it clear that the national technical standards can only be applied where there is a relevant current local plan policy referring to them. The policies brought to my attention by the Council in relation to this matter do not refer to the technical standards and consequently, from the information before me, they do not carry any significant weight in this case. However, it remains for me to make a judgement on the adequacy of the proposed accommodation.
9. The proposed bedroom measures 12sqms which is a suitable size for a double bedroom. I also consider that the proposed living/dining room and kitchen are also of a reasonable size. Given the acceptability of the individual room sizes, I consider that the internal size of the unit as a whole is acceptable in this case.
10. I have considered the examples of other permitted developments supplied by the appellant. I do not have full details before me of the circumstances that led to these proposals being accepted. Nevertheless, whilst there appear to some examples of restricted outlook, it appears to me that these other

developments are generally able to demonstrate a better overall outlook than is this case with the appeal proposal. In any case, I have determined the appeal proposal before me on its own merits.

11. Although the appellant has provided a daylight assessment which concludes that the levels of daylight received by the proposal would be acceptable, this does not override my concerns regarding unsatisfactory outlook.
12. One of the core planning principles (paragraph 17) of the National Planning Policy Framework ('the Framework') is to seek to secure a good standard of amenity for future occupants of land and buildings. Despite my findings on the acceptability of the size of the unit, I consider that the restricted outlook from the proposed bedroom and kitchen together with the constrained outdoor amenity areas, would result in the unit not providing satisfactory living conditions for future occupants. The proposed development is therefore contrary to relevant amenity and design aims of policy H5 of the Lambeth Local Plan September 2015 and the Framework.

Highway conditions and highway safety

13. The Council would be seeking for the development to be car free in this location and has suggested a condition seeking to prevent future occupiers from applying for parking permits.
14. The site is located in an accessible location served by good public transport links. Given its accessible location and the modest size of the proposed dwellinghouse, the resulting parking requirements would be minor.
15. The Council's suggested condition in this regard would not be likely to prevent a future occupier from owning a car in this case as there are areas of street parking in the vicinity of the site that are not controlled by permit related parking restrictions. I also have doubts about the enforceability of the suggested condition. There is also no S106 agreement before me. In any case, whilst I acknowledge the pressures upon parking in the locality of the site, there is no compelling evidence before me which demonstrates that the parking demands arising from this modest proposal would be such to lead to any significant impacts upon highway safety or efficiency.
16. I therefore find that the proposal would be in satisfactory accordance with the relevant highway and parking aims of policies T6, T7 and D4 of the Lambeth Local Plan 2015.

Other matters

17. I consider that the proposal would safeguard the setting of the adjacent listed terrace and that it would also preserve the character and appearance of the Vassall Road Conservation Area. I have given some weight to the proposal replacing the existing unused garage building and the design benefits that would accrue. However, there could be other ways of providing a replacement building without resulting in the harm I have identified above. The proposal would also provide some passive surveillance of the adjacent area used by pedestrians and vehicles to which I attach moderate weight. I also note that the appellant states that the existing building is currently dangerous although I have no persuasive evidence of this and there could be other ways of reducing any danger than the current proposal.

Conclusion

18. I find that no harm would result from the proposed development upon highway safety and local highway conditions. I also acknowledge that it would make an, albeit small, contribution to the local housing stock and that the appellant has sought to optimise the use of this previously developed land and to enhance passive surveillance of the adjacent area. However, I find that the proposed development would not provide for satisfactory living conditions for future occupiers. That harm is the prevailing consideration.
19. Therefore, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR