
Appeal Decision

Site visit made on 9 November 2016

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 19 December 2016

Appeal Ref: APP/N5660/W/16/3156714

Rear of 114 Greyhound Lane, Lambeth, London, SW16 5RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Baytrek Limited against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/00597/FUL, dated 1 February 2016, was refused by notice dated 30 March 2016.
 - The development proposed is the conversion of existing vacant building and extension to create a 1 bedroom house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted both an Energy Statement and a Secured by Design Report with their appeal which sought to address two of the Council's reasons for refusal. This additional information was submitted at an early stage in proceedings and the Council have had opportunity to comment. In respect of the former document, they have confirmed that it broadly complies with the requirements of the relevant development plan policy which addresses energy efficient development¹
3. Having reviewed the evidence in this respect, I have no reason to disagree with the Council that the relevant reason for refusal has now been satisfactorily addressed. Whilst I return to consideration of the second document later, the fact that parties have had opportunity to comment on the documents leads me to consider that I am satisfied that none would be prejudiced by my acceptance of it forming part of the appellant's evidence.
4. The appellant has also submitted additional floor plans which show, amongst other things, alternative options for the bathroom and storage for cycles. These plans relate to the internal arrangement only and were submitted with the appeal documentation at an early stage. As above, they seek to respond to some of the reasons the proposed development was refused planning permission. Given that the issue is unlikely to be one of concern to neighbouring residents and since the Council have also made comment on the plans, I do not consider any party would be prejudiced by my reference to them in the determination of this appeal.

¹ Policy EN4 Sustainable Design and Construction – Lambeth Local Plan 2015

Main Issues

5. With the above in mind therefore, there are three main issues:

- The effect of the proposed development on the living conditions of future occupiers with specific regard to the standard of accommodation and provision of outdoor amenity space;
- The effect of the proposed development on the character and appearance of the building and the surrounding area; and
- Whether or not the proposed development makes provision for secure accommodation and safe access to future occupiers.

Reasons

Living Conditions

6. Including the extension, the proposed development would comprise a two storey self-contained dwelling with open plan kitchen, dining and living space to the ground floor and a single bedroom and en suite bathroom to the first floor. There would be an enclosed garden to the rear.
7. The total internal floor area of the proposed unit would to some extent vary dependent on whether a shower or a bath was located in the en suite bathroom. In either case, the total internal floor area would either be just below or only just meet what is a **minimum** (emphasis added) expected standard set out by the NDSS², the London Plan Housing SPG³ and the Council's own adopted Local Plan⁴.
8. Regardless, the proposed unit would still be below the required standard for the size of garden. A garden which would be further constrained in its overall usability since it would be in part used as cycle and refuse storage and have a very shallow depth between the rear wall of the unit and a dividing boundary, the cycle storage itself having been moved into the garden from the interior to increase the floor space.
9. I accept that the alternative options for the internal layout do show where additional storage could be provided that would reach the minimum requirement. Nonetheless, given where it would be provided it would appear to have been 'shoe horned' into small spaces with limited accessibility and thus I would question its overall usability.
10. I accept that in the case of floor area, garden and storage the difference between the actual provision and the required standard is arguably marginal. Nevertheless, the standards set out are expressed as minimums and as such the proverbial line in the sand has to be drawn. This is particularly so in the case of the proposed development since would both lack in more than one area of requirement. Moreover, in seeking to provide what is required, the constraint would be moved elsewhere.

² Technical Housing Standards – Nationally Described Space Standard, March 2015

³ London Plan 2016 Implementation Framework – Housing Supplementary Planning Guidance , March 2016

⁴ Lambeth Local Plan 2015

11. In my view, the overall provision of accommodation, when taken on its merits for both amount and quality, would be inadequate. Consequently it would have harmful implications for the living conditions of future occupiers.
12. For the above reasons, the proposed development would be contrary to Policies H5 and Q2 of the Local Plan, the guidance set out by the London Plan Housing SPG (Standard 26 specifically) and the NDSS. These Policies and additional supporting guidance seek to ensure that, amongst other things and along with one of the core principles of the Framework⁵, new development is acceptable in terms of the living conditions of existing and future occupiers of land and buildings.

Character and Appearance

13. The existing building is one of a terrace of contextually small low rise buildings with a centrally located dormer window facing the rear access to No 114 Greyhound Lane. Whilst they are in a relatively poor cosmetic state and public views of them are limited, the terrace of 'coach house' style buildings are intact and do contribute positively to the character and appearance of the area.
14. In terms of physical works which would accompany the conversion of the building, these are limited to a two storey extension, effectively to its rear as it is viewed within part of the terrace. I accept that the proposed extension would be of a modern design and in proportion terms would not sit traditionally with the form of its host. Nevertheless, public views of the proposed extension would be very limited and the cosmetic alterations to the frontage would be respectful to the original design of the building. Thus the coherence of the terrace would not be greatly affected.
15. For these reasons I do not find that harm to the character and appearance of the building or the surrounding area would arise. The proposed development would not therefore conflict with Policy Q11 of the Local Plan or the BAE SPD⁶. This Policy and additional guidance seek to ensure that, amongst other things and alongside section 7 of the Framework, new development is of a contextually appropriate design and appearance and not cause harm to the character and appearance of buildings or areas.

Secure Accommodation and Safe Access

16. I acknowledge the limited information that was submitted with the planning application concerning this issue, particularly in respect of the requirements set out by Policy Q3 of the Local Plan. Nonetheless, the requirements of Policy Q3 do not restrict development for any specific reason. It does however ask that new development has regard to designing out opportunistic crime as well as giving consideration to shared space, communal areas and resilient materials. The appellant has submitted a further document with their appeal which, as per the further requirements of Policy Q3, assesses the merits of the proposed development against Secured by Design principles.
17. On my understanding of the document, it appears to explain that the construction of the proposed development would take every reasonable step practical to design out crime. I consider that it would be eminently reasonable, necessary and relevant to secure such detail by the use of planning conditions.

⁵ The National Planning Policy Framework 2012

⁶ Building Alterations and Extensions Supplementary Planning Document 2015

18. Consequently I do not consider that the proposed development would fail to provide safe accommodation or access. There would therefore be no conflict with Policy Q3 of the Local Plan. This Policy seeks to ensure that, amongst other things and along with section 7 of the Framework, new development has regard to safety and security in designing out crime to ultimately create safe and accessible environments.

Other Matters

19. I note the appellant's point that a reduced size of garden has been accepted previously where a given development would be a short distance from publicly accessible open space. Whilst I acknowledge that this would be the case for the proposed development, I do not subscribe to the view that this is an approach that should be applicable in all cases, particularly in this case when the overall quality and quantity of accommodation is found wanting in more than one respect.
20. I note the Council's reference to Policy H6 of the Local Plan in respect of this particular issue. However, and having explored what this Policy seeks to achieve, it is more relevant to the conversion of existing dwellings, specifically their sub division into smaller units of accommodation.

Conclusion

21. I note that the proposed development would provide a new dwelling which the Framework advises should be considered in a positive light. I further accept that in design, access and safety terms the proposed development would also be acceptable. However, these matters would be required to make the development acceptable in planning terms regardless. In any event, it would fail to provide an acceptable level or standard of accommodation and would cause harm to the living conditions of future occupiers in the manner I have set out above.
22. It is for this reason that the appeal fails.

John Morrison

INSECTOR