
Appeal Decision

Site visit made on 28 February 2017

by Mike Hayden BSc DipTP MRTPI

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

Decision date: 15 March 2017

Appeal Ref: APP/N5660/W/16/3163972
6 Brading Road, London SW2 2AN

- 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 Justin Greaves (Hunter Property Investments Ltd) against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/01992/FUL, dated 30 March 2016, was refused by notice dated 23 August 2016.
 - The development proposed is described as 'residential loft conversion to facilitate an additional self-contained flat'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description of development set out above, which is taken from the planning application form, it is clear from the submitted plans that the proposed development includes external additions and alterations to the property comprising a roof extension with roof terrace and dormer windows on the rear elevation and three roof lights on the front elevation. The Council dealt with the proposal on this basis and so have I.
3. I was unable to enter the property at the site visit as neither the appellant nor his agent were present to provide the access required. However, I was able to undertake the site visit on an unaccompanied basis, viewing the property from the surrounding streets, which was sufficient for me to be able to assess the proposal against the main issues and reach a decision on the appeal.

Main Issues

4. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the host dwelling and the surrounding area;
 - The effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to outlook, daylight/sunlight, privacy, noise and disturbance.
 - Whether the proposed development would provide acceptable living conditions for future occupiers of the flats, with particular regard to internal living space and external amenity space.
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Reasons

Character and Appearance

5. The appeal property is located in a terrace of four symmetrically designed and proportioned, two-storey Victorian houses at the southern end of Brading Road. The properties have identical, double projecting gabled frontages and matching two-storey rear projections with mono-pitch roofs. Aside from the occasional rooflight on front roof slopes and dormer windows on the rear of 2 and 8 Brading Road, the appeal property and its neighbours are strikingly similar in appearance. The rhythm and uniformity of their architecture, on both the front and rear elevations, is a distinctive feature of Brading Road and the adjoining streets, and makes an important contribution to the character and appearance of the surrounding area.
6. Policy Q5 of the Lambeth Local Plan (2015) (the LLP) sets out a clear requirement that new development should reinforce local distinctiveness. Criterion (b) expects the design of development to respond to the local context and character in terms of built form, including its bulk, scale, height, massing and roofscapes. Policy Q11 of the LLP expects extensions and alterations to positively respond to the original architecture and roof form of host buildings. It states that extensions which dominate and overwhelm the host building will not be supported, nor roof additions which harm the architectural integrity of the original building or its group. Criterion (k) requires dormer windows to be subordinate to the existing roof and criterion (o) resists roof terraces on locally distinct building types where they are not characteristic of the host building or group. This is reinforced by more detailed guidance in the Lambeth Building Alterations and Extensions SPD (2015) (the LBAESPD).
7. Whilst the proposed rear dormers would be subordinate to the main roof of the appeal property, the rear roof extension and terrace with full height screens would dominate the rear elevation of the house. Viewed from Ostade Road across the backs of nos. 2-8, the extension and roof terrace would be highly visible. Its height and box shaped form would overwhelm the characteristic sloping roof of the rear projection and appear as an incongruous addition to the rear of the appeal property. It would interrupt the rhythm of the rear roofscape and cause harm to the architectural integrity of the property and the terrace of which it forms a part.
8. At the front, the continuity of the roofscape, punctuated by gables, is a strong feature in the streetscene in Brading Road. Single rooflights can be glimpsed here and there between the gables, but do not detract from the overall uniformity of the roofscape. Criterion (l) of Policy Q11 of the LLP seeks to resist rooflights on prominent roof pitches on locally distinct building types, but where appropriate requires them to be small in size and aligned with windows on the elevation. The proposed development would introduce three roof lights across the width of the front roof pitch of the appeal property. Although evenly spaced across the roof, they would not obviously align with the windows in the main elevation below. Their number and visual prominence above the gabled frontage would detract from the continuity of the roofscape and harm the architectural integrity of the property and the terrace.
9. On this basis, taken as a whole, I find that the proposed extensions and external alterations to the appeal property would cause unacceptable harm to

the character and appearance of the host dwelling and the surrounding area. Therefore, the proposal would be contrary to Policies Q5 and Q11 of the LLP. Consequently, it would conflict with paragraph 58 of the National Planning Policy Framework (the Framework), which seeks to ensure that developments are visually attractive, respond to local character and reflect the identity of local surroundings.

Living conditions – neighbouring occupiers

10. Policy Q2 of the LLP supports development where acceptable standards of privacy and outlook are provided for adjacent occupiers without any undue sense of enclosure and where there is no unacceptable impact on daylight and sunlight and in terms of noise or disturbance. This is reinforced by detailed guidance in the LBAESPD and is supported by paragraph 17 of the Framework which seeks a good standard of amenity for existing occupiers of buildings.
11. The proposed development would result in an outdoor terrace at second floor level within a few metres of first and second floor habitable room windows of the adjacent properties at 4 and 8 Brading Road. This would be the only outdoor space available to the occupiers of the top floor flat. The space at the rear of the properties is enclosed by the adjacent building at 16 Ostade Road. Even with the proposed screening, the use of the terrace within this confined space and in such close proximity to neighbouring windows would be likely to give rise to an unacceptable level of noise and disturbance, particularly in the evenings and late at night.
12. The roof terrace would also sit directly above and project out beyond the main rear elevations of nos. 4 and 8, where there are windows to habitable rooms at ground and first floor levels. The combination of the proposed increase in the height of the rear return and the 1.7m high privacy screens would effectively add an extra storey to the rear return. The upwards extension would breach a 45 degree line from windows in the rear elevation of the adjacent properties. It would as a result be overbearing on the outlook from the first floor rear facing windows of nos. 4 and 8. Its position to the south of no. 8 would also be likely to reduce daylight and sunlight penetrating the adjacent first floor habitable room window at no. 8, although without any technical evidence to test the degree of change, it is difficult to say whether this would be unacceptable.
13. With regard to privacy, there are existing windows in the front and rear elevations of the appeal property which look towards neighbouring properties. The proposed dormer windows and rooflights facing the same direction would not create any additional overlooking relationships. Although the proposed roof terrace has the potential to overlook windows in the rear elevations of nos. 4 and 8 on either side, the installation of the proposed 1.7m high privacy screens would mitigate this.
14. Therefore, despite the acceptability of the proposal in terms of its effect on privacy, I conclude that it would cause unacceptable harm to the living conditions of the occupiers of neighbouring properties, with regard to outlook, noise and disturbance. This would be contrary to Policy Q2 of the LLP and fail to comply with paragraph 17 of the Framework.

Living conditions – future occupiers

15. Policy 3.5 of the London Plan (2016) states that new housing developments, including conversions, should reflect the minimum space standards set out in the Technical Housing Standards - Nationally Described Space Standards (2015) (the NDSS). The standards require a minimum gross internal area (GIA) according to the number of bedrooms and the number of bed spaces.
16. The proposed development comprises a 2 bedroom flat at first floor level, with two double bedrooms, which therefore provide 4 bed spaces, and a 1 bedroom flat over two floors at first and second floor levels, with a double bedroom providing two bed spaces. The minimum GIA in the NDSS and the London Plan for a 2-bed 4 bed-space dwelling is 70 square metres (sqm) and the minimum for a 1-bed 2 bed-space unit over 2 storeys is 58 sqm. The Design and Access Statement submitted with the application states that the overall floor area of the proposed 2-bed flat would be 60 sqm and the 1-bed flat 46 sqm. On this basis neither of the proposed dwellings would meet the minimum space standards for new housing in the NDSS and the London Plan.
17. I note that the appellant refers to the 1-bed flat as a 1 person flat. However, the bedroom floorspace exceeds the minimum GIA of 11.5 sqm for a double bedroom set out in the NDSS and the internal layout shown on the submitted plan, whilst indicative, appears to provide space for more than 1 person. In addition, the NDSS requires a minimum floor to ceiling height of 2.3 metres for at least 75% of the GIA. The Council asserts that the maximum headroom in the proposed loft space, which would occupy more than 75% of the floorspace of the 1-bed flat, would be 2.1 metres, a figure which is not disputed by the appellant. This suggests that proposed loft space accommodation would be unacceptably oppressive and provide inadequate headroom.
18. Policy H5 of the LLP also requires a minimum standard of outdoor amenity space for flatted developments, including 50 sqm of shared space and 10 sqm per flat as a balcony or terrace. It appears that neither of the proposed flats would have access to the rear garden to the property. Whilst the 1-bed flat would provide an adequately sized terrace, the 2-bed flat would not have access to any private outdoor amenity space. I note that there are public parks nearby, but the emphasis in the housing standards in Policy H5 is on private and communal amenity space within developments.
19. Consequently, I conclude that the proposed development would fail to provide acceptable living conditions for future occupiers of the flats, with regard to internal living space and external amenity space. Accordingly, it would conflict with Policy 3.5 of the London Plan and Policy H5 of the LLP. It would also be contrary to one of the core planning principles in paragraph 17 of the Framework, which seeks a good standard of amenity for future occupants of land and buildings.

Other Matters

20. I note that the appeal property is located within a street 'under conversion stress' and that Policy H6 of the LLP seeks to protect all dwellings in such areas which are suitable for occupation by families. I have considered the evidence provided by the Council and the appellant on whether the upper floors of the

dwelling have a lawful use as a self-contained flat. However, none of this provides conclusive proof. Even the extract from the 1972 Revaluation Rating List provided by the appellant is inconclusive given that the sheet is not dated or titled. I was also unable to see inside the property to make my own visual assessment of its conversion status.

21. Accordingly, based on the evidence made available to me, I have been unable to reach a conclusion on whether the appeal proposal would result in the loss of family sized accommodation in the borough. However, this matter is not determinative of the appeal. Even if it could be proven that the appeal property is already converted into two flats, the harm caused by the proposed conversion and extensions to character and appearance and living conditions would remain.
22. I recognise that the submitted plans do not show provision for cycle parking and that the two waste bins indicated on the proposed ground floor plan do not appear to relate to the external property boundary. At my site visit I noted the space to the rear of the front garden wall, which, although limited, appears to provide adequate room to store the required bins and to park 3 bicycles. The presence of waste bins and bicycles at the front of properties is not uncommon within streets containing terraced properties. I saw a number along Brading Road. With appropriate storage and covering, their appearance could be mitigated to avoid undue harm to the street scene. Provision of suitable storage facilities could be secured by condition, if I were minded to allow the appeal. However, this would not overcome the harm caused by the other alterations and extensions to property.
23. Finally, I acknowledge that the appeal proposal would provide additional housing for London and in an accessible location. This is not disputed by the Council, but I have seen no evidence to suggest that Lambeth is unable to demonstrate a 5 year supply of housing land. Nor does the data from the Lambeth housing development pipeline indicate that the borough has a track record of under delivery against its London Plan housing target. Accordingly, the need for the proposed housing accommodation does not outweigh the harm which the proposal would cause to character and appearance and living conditions.

Conclusion

24. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

M Hayden

INSPECTOR