
Appeal Decision

Site visit made on 8 February 2017

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 17th March 2017

Appeal Ref: APP/N5660/W/16/3163836

Land at Beckett Close, between numbers 18 and 19 Beckett Close, Rear of Drewstead Road, London SW16 1AN

- 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 Djilali Cheddidi against the decision of the Council of the London Borough of Lambeth.
 - The application Ref: 16/01760/FUL, dated 11 March 2016, was refused by notice dated 27 May 2016.
 - The development proposed is a two storey, three bedroom house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area;
 - Whether the proposed development would provide suitable living conditions for the future occupiers, with particular regard to outdoor amenity space; and
 - Whether the proposed development is required to make a financial contribution towards the provision of affordable housing.

Reasons

Character and appearance

3. When read together, Policy 3.5 of the London Plan 2015 (the London Plan) and Policies Q5 and Q7 Lambeth Local Plan 2015 (Local Plan) seek to ensure that new development is of a high standard of design that preserves local distinctiveness, responds to the local context and is visually interesting. London Plan Policy 3.5 stresses the importance of new housing development taking account of physical context and local character. The London Plan Housing Supplementary Planning Guidance 2016 (SPG) advises that where existing character is ill defined or of poor quality, new housing development should seek to improve both the physical context and local character.
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4. Local Plan Policy Q9 seeks to retain existing landscape features of value. Policy Q14 of the Local Plan states that garden areas are not generally considered as potential development sites and sets out various criteria that proposed developments would be expected to meet in the event that a garden area was considered suitable for development.
5. The appeal site is a small area of land that was formerly part of the rear garden of number 56 Drewstead Road, a large late Nineteenth or early Twentieth Century house. It also sits between numbers 18 and 19 Beckett Close which are part of a modern development laid out around a parking and circulation area. This development comprises two and three storey buildings, generally in the form of short terraces and flats, which frame a parking and circulation area and form a strong enclosure to the space. The proposed new dwelling would face into this development and relate more closely to it.
6. Although the proposed new dwelling would be two storey and has some common design features with the existing houses such as the proposed canopy over the door and the use of brick on edge detailing below the windows, it would be set back behind the strong line formed by the existing houses whose frontages frame and directly address the parking and circulation space. It would thus be inconsistent with the prevailing built form. This would be exacerbated by the small curtilage, the proximity of the building to the plot boundaries, and by being set partly behind the terrace formed by numbers 16-18, which would result in a cramped form of development. As such, it would be an anomalous and incongruous addition, closing the gap that separates the buildings in this part of the development.
7. The architecture of adjoining development is fairly simple, however, the different sizes and shapes of windows in the existing buildings provide a degree of articulation of the facades. The proposed new dwelling is a simplified interpretation of this with uniform windows which do not reflect the more varied fenestration patterns of the surrounding buildings. This, combined with the set back and partial screening of the new dwelling behind existing buildings, would result in the new dwelling not integrating well with its surroundings. In my view this, together with the siting of the proposed new dwelling, would not represent a high standard of design.
8. Paragraph 64 of the National Planning Policy Framework (the Framework) requires that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
9. The proposed development would also result in a large willow tree on site being removed. Although it is not covered by a Tree Preservation Order, the size and form of this tree adds to the character and appearance of the existing development and its removal and replacement with a building would result in a degradation of the street scene. I note that the Arboricultural Report states this tree is close to properties and overbearing on gardens with deadwood in the crown, and has been assessed as low quality. However, the tree pre-dates the houses and still has reasonable life expectancy. Its size, shape and position, although partly screened by existing houses, give it a visual role in defining the character and appearance of the area.
10. Local Plan Policy Q14 relates specifically to development within garden areas. It sets out a number of criteria amongst which are that no less than 70% of the

garden area is retained for the host building and that the development must be set back at least 1 metre from all site boundaries in order to allow for maintenance of the building and means of enclosure. Although separated from the present garden of 56 Drewstead Road by a fence, the appeal site is still part of the garden of that property. The proposed development would result in only 54% of the original garden remaining which would erode the open area at the rear of 56 Drewstead Road and be contrary to Policy Q14. Whilst the required 1 metre separation from the boundary would be achieved on two sides of the site, the building would be immediately adjacent to the boundary at the front of the site and only 0.38 metres from the shared boundary with number 54 Drewstead Road. Although I note the Council has not raised the proximity to the front boundary of the site as an issue, nonetheless, 0.38 metres would not allow access for the maintenance and, consequently, the proposal would not comply with Policy Q14.

11. The appellant suggests that the new dwelling would not be readily visible from the public domain and that the area has a varied architectural character. Although it is set back behind existing buildings, the proposed new dwelling would nevertheless be visible from within the parking and circulation space of Beckett Close and would alter the enclosure of the space as I have set out above. There are various architectural styles in the area, however, in terms of the built form the houses define the streets and spaces by fronting onto them and forming strong building lines and, due to its set back location, the appeal proposal would be inconsistent with this.
12. I find that the combination of these factors, when taken as a whole, would cause harm to the character and appearance of the area. It would be contrary to the relevant requirements of Policy 3.5 of the London Plan; Policies Q5, Q7, Q9 and Q14 of the Local Plan and the guidance in the SPG, which seek to ensure that new development is of a high standard of design, which has regard to its context, and which retains landscape features of value. It would also be inconsistent with the advice in the Framework which also seeks a high standard of design in all new development.

Living conditions of the future occupiers

13. The rear garden area of the proposed new dwelling would be approximately 30m² which would comply with the requirements of Local Plan Policy H5 in respect of the provision of private amenity space at new dwellings. The Council suggest that as this amenity space would accommodate refuse bin and cycle storage, this would reduce the area to less than the minimum requirement. Whilst this would be the case, the reduction in available area would be slight, and Policy H5 is silent on whether there is a separate space requirement for ancillary facilities such as these.
14. In addition, I saw on my site visit that a large area of public open space is available very nearby at Tooting Bec Common. Within this context, I do not consider that the slight shortfall in private amenity space that the Council suggest would result is sufficient to justify refusing planning permission on this ground.
15. It is common ground between the parties that the proposed dwelling would not be significantly overlooked by the existing surrounding dwellings, and that the proposed development would not cause harm to the living conditions of the occupiers of adjacent dwellings.

16. I therefore conclude that the proposed development would provide suitable living conditions for the future occupiers, with particular regard to outdoor amenity space. It would comply with the relevant requirements of Policies H5 and Q2 of the Local Plan which seek to ensure that new dwellings have access to adequate private amenity space and acceptable standards of privacy are provided.

Affordable housing

17. The third reason for refusal relates to the lack of a contribution towards the provision of affordable housing as required by Policy H2 of the Local Plan, which seeks a financial contribution towards the off-site delivery from housing sites of less than 10 units.
18. Following the judgement of the Court of Appeal on 13 May 2016 in Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council, the Secretary of State's Written Ministerial Statement of 28 November 2014 (WMS) defining the specific circumstances where contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build development is a material consideration in determining planning applications and appeals. The WMS sets a threshold of 10 units, below which affordable housing should not be required. Following the Court of Appeal ruling, the Planning Practice Guidance (the Guidance) was also changed to state that contributions for affordable housing should not be sought from developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1000 square metres. The proposed development does not exceed these thresholds.
19. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications and appeals must be determined in accordance with the development plan unless material considerations indicate otherwise. I have no evidence before me on the need for affordable housing in the area which would demonstrate that any special circumstances exist which would justify seeking contributions towards affordable housing provision in this case. The third reason for refusal has not been withdrawn, however, the Council recognises that it cannot now seek a financial contribution from this proposed development. In these circumstances, the Government's policy set out in the Written Ministerial Statement and the Guidance are material considerations that justify making a decision that does not accord with Local Plan Policy H2.
20. Although the proposed development fails to meet the requirements of Local Plan Policy H2, in the context of the WMS of 28 November 2014 and the Guidance, this would not be a reason to refuse planning permission. I therefore conclude that it is not necessary for the proposed development to make a financial contribution towards the provision of affordable housing.

Other matters

21. It was not clear from the original planning application if a viable access to the site could be achieved due to the need to cross third party land. The appellant states that agreement has now been reached with the landowner with respect to access, although this there is no evidence to verify this. Whilst no details have been provided in respect of access, this did not form one of the reasons for refusal. This matter could be addressed by way of a planning condition, however, it does not lead me to a different conclusion on the main issues.

22. I have had regard to the representations from local residents which were received by the Council in response to the application and which have been received in connection with the appeal. In general these raise matters which have already been covered above.
23. Whilst concerns have been raised in respect of parking within Beckett Close, I saw that the appeal site is not within a controlled parking zone and at the time of my site visit the available parking in the surrounding area was not heavily used. I also note that the Council have not raised this matter as an issue.
24. There would inevitably be some disruption as a result of building works on the site, however, as the proposal is only for a single dwelling, this would be of a limited duration. The operation of the construction site could be controlled through a Construction and Site Management Plan in order to minimise any disruption that may arise, and this matter, of itself would not warrant withholding planning permission.

Conclusion

25. I have found that the proposed development would provide suitable living conditions for the future occupiers and that it is not necessary for the development to make a financial contribution towards the provision of affordable housing.
26. However, I have found that the design and siting of the development would cause permanent and lasting harm to the character and appearance of the area. The proposal would therefore conflict with Policy 3.5 of the London Plan and Policies Q5, Q7, Q9 and Q14 of the Local Plan. In my view this is an important matter, to the extent that the proposal should be regarded as being in conflict with the development plan as a whole, notwithstanding compliance with other policies which are referred to above.
27. For the above reasons, and taking into account all other matters raised, I therefore conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR