
Appeal Decision

Site visit made on 27 March 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 10 April 2017

Appeal Ref: APP/N5660/W/16/3166023

45-61 Trevone Court, Doverfield Road, Lambeth, London SW2 5NF

- 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 MS Matharu (Stavion Limited) against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/01644/FUL, dated 5 May 2016, was refused by notice dated 1 July 2016.
 - The development proposed is a roof extension dormer to provide 1 bedroom self-contained flat together with associated alterations.
-

Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues in this appeal to be firstly, the effects of the proposed development on the character and appearance of its host building and its surroundings; secondly, whether the proposed development would make an adequate contribution towards the provision of affordable housing; and thirdly, whether the proposed development would provide sufficient amenity space to meet the day-to-day needs of its future occupants.

Reasons

Character and Appearance

3. Sited close to the junction with New Park Road, the appeal property is part of a three-storey, flat-roofed terrace of buildings at the top of the slope of the winding Doverfield Road. The property is bounded by an open space to its side rendering its flank wall readily visible. Due to its scale and prominent siting, the appeal property is widely visible in the streetscene. Predominantly faced in brick, the appeal property, like those adjoining it within the terrace features prominent three-storey bays, imparting a strong sense of rhythm, and horizontal rendered banding and a decorative string course emphasise the building's orderly proportions. Buildings of three-storeys, including the adjacent Argyll Court which addresses New Park Road, are within the environs of the appeal property and the road junction; however, two-storey terraced dwellings are predominant along Doverfield Road. Roof forms vary, but gable ends are the principal style of pitched roof in the environs of the site.
-

4. The proposed development would introduce an extension at roof level to facilitate the creation of an additional residential unit. It would have a mansard-like character and be hipped-roofed on the side of the building closest to Argyll Court. The flank and party walls of the property would be built up to provide side elevations for the roof extension. Dormer windows would be inserted to the front and rear with a smaller obscure-glazed window on the flank wall on the side of the appeal property closest to Argyll Court. A glazed door would be included at the front where the roof extension would be inset from the edge of the existing bay to provide amenity space.
5. The asymmetric profile of the proposed development, combined with its siting to one end of the terrace would impart a lopsided appearance to the appeal property's host terrace which would deplete its strong sense of rhythm. The proposed development's harmful effects in this regard would be exacerbated by the prominent scale, and complicated shape of the large party wall that would project proud of the adjoining flat roof to a considerable degree, and be a disproportionate and visually jarring element in the context of the host property, the adjoining terrace and wider streetscene.
6. Moreover, the complexity of the resultant roof form would not assimilate well with the flat roofs, and more traditional pitches of its immediate environs, and as a consequence the proposed development would read as an incongruous addition. Given the eminent positioning of the appeal property and the prominent siting of the proposed development, its incongruity would be widely visible in the streetscene. Taken together, these aspects of the proposed development would cause considerable harm to the character of the host building and its surroundings.
7. These harmful effects would not be mitigated to any material degree by the proposed inset of the roof extension, the angle of the roof, or the use of sympathetic materials, finishes and fenestration. Neither do I consider that the topography or curve of the street would soften the proposed development's overall incongruity. Whilst similar roof forms to the proposed development may be part of the wider built form of the Borough, their presence does not serve to justify the harmful effects that the proposed development would cause in this case.
8. I note that the illustration of an end terrace taken from Lambeth's Residential Extensions and Building Alterations Supplementary Planning Document (adopted September 2015) (the SPD) shows a roof extension with some similarities to the proposed development. However, this hypothetical example concerns a terrace of more traditional plan form and proportions than the appeal property, and thus does not provide a precedent that should be rigorously adhered to should harmful effects arise.
9. Thus for the above reasons the proposed development would cause considerable harm to the character and appearance of its host building and surroundings. As a consequence, it would conflict with Policy Q 11 of the Lewisham Local Plan (adopted September 2015) (the Local Plan) and the SPD. Taken together, and amongst other things, the policy and document seek to ensure that roof alterations and extensions avoid harm to the architectural integrity of the original building and its group; and achieve subordination to, and protect the design integrity of, their host buildings.

Affordable Housing

10. Policy H2 of the Local Plan sets out the approach to securing affordable housing contributions from residential developments. For sites providing less than 10 units, a financial contribution towards the delivery of affordable housing would be sought. The policy establishes that, amongst other things, the specific circumstances of individual sites including their development viability could be taken into account in considering the affordable housing contribution. Whilst the appeal building was extant at the time of the adoption of the Local Plan, I consider that as the proposed development would extend it in order to supply an additional residential unit it falls clearly within the scope of this policy. Consequently, as the proposed development is not accompanied by an appropriate mechanism to secure an affordable housing contribution, or substantive evidence demonstrating that such a contribution would be unviable it clearly conflicts with Policy H2 in this regard.
11. I am, however, cognisant of the national planning policy expressed in the Written Ministerial Statement of 28 November 2014 (the WMS) and related updates to the Government's Planning Practice Guidance. The WMS states that "Due to the disproportionate burden of developer contributions on small-scale developers, for sites of 10-units or less... affordable housing... contributions should not be sought." This is an unambiguous statement of national policy in these regards, and as a consequence is a consideration to which I attach very considerable weight. However, the WMS does not override the established statutory position that planning applications must be decided in accordance with the development plan unless material considerations indicate otherwise.
12. There is a clear tension between the national policy as expressed in the WMS and Policy H2 of the Local Plan. However, the Local Plan was adopted relatively recently, and after the publication date of the WMS. Moreover, the evidence-base that underpins this policy has not been challenged by the appellant. Furthermore, the ability for a developer to demonstrate that affordable housing contributions would be unviable means that such contributions need not be a disproportionate burden. The viability test would also assure that contributions would be fairly and reasonably related in scale and kind to the proposed development, and directly related to the development. As a consequence, the national policy as expressed in the WMS, although a consideration of very considerable weight, does not justify a departure from Policy H2 in this instance.
13. I note that the proposed development could trigger Community Infrastructure Levy (CIL) payments. However, CIL is a proportionate charge set to fund the infrastructure requirements concomitant with new development. As a result, this aspect of the proposed development does not in itself justify the lack of a mechanism to secure an affordable housing contribution in this case.
14. In the absence of viability evidence to the contrary, the failure to make an adequate contribution towards the provision of affordable housing in this case would mean that the proposed development would be unacceptable in planning terms. The proposed development would thus clearly conflict with Policy H2 of the Local Plan in this respect.

Amenity Space

15. According to the appellant's calculations the proposed development would supply around 3 SqM of amenity space above the bay window of the host property. This would undershoot the 10 SqM per flat required by Policy H5 of the Local Plan by a substantial degree. Whilst there is existing communal amenity space to the rear of the building I have not been supplied with an estimate of its area.
16. The adjoining flat roof is in a separate ownership, and as a consequence, this limits its potential to be used as amenity space in connection with the scheme. Whilst this is a significant site constraint, the proposed development would not compensate for this by providing additional internal space over and above the requirement for 1-bedroom, 2-person dwellings of 50 SqM given in the Government's Technical housing standards- nationally described space standard¹. As a consequence, the conditions for considering a reduction in the amenity space requirement, given in the supporting text to Policy H5, would not be met by the appeal scheme.
17. The extremely limited depth of the proposed amenity space combined with its modest width would fail to accommodate the various activities that such spaces are usually put to including, but not limited to, recreational activities and drying washing. Furthermore, due to its irregular shape and modest area the amenity space would be unable to host anything other than a minimal amount of garden furniture. The amenity space would thus fail to meet the day-to-day needs of the proposed development's future occupants, and its broadly west-facing orientation, with its potentially sunny aspect, or its contribution to an open plan arrangement of the living space would do little to address its inadequacies in these regards. I note the public open spaces mentioned by the appellant; however, some are at a considerable distance from the appeal property, with the nearest one Rush Common, situated across a relatively busy road. Whilst these open spaces could meet some of the recreational needs of the occupants of the proposed development, they do little to justify a departure from the development plan policy in this instance.
18. I note that Policy H5 does not differentiate between sizes of flats for setting minimum amenity space requirements; however, this does not alter my conclusions in respect of the inadequacy of the proposed amenity space. Thus for the reasons set out above, I consider that the proposed development would fail to provide sufficient amenity space to meet the day-to-day needs of its future occupants. As a result, it would be in clear conflict with Policy H5 of the Local Plan, insofar as it requires new dwellings to supply amenity space of a sufficient size to meet the day-to-day needs of their future occupants.

Other Matters

19. The proposed development could avoid harmful effects to the amenities of the occupiers of adjacent properties. However, avoiding harm in these regards would not be a positive benefit of the proposed development and thus is of neutral effect in the overall planning balance.
20. The proposed development would supply an additional unit of housing, on a previously developed site in a relatively accessible location. However, I have

¹ As incorporated into the development plan by Policy 3.5 of the London Plan

been supplied with no substantive evidence to suggest that the Council is not currently meeting its housing land supply requirements. Whilst the proposed development would constitute a benefit in this respect, it would, due to the limited amount of additional residential accommodation, be a modest one, and thus only attracts minimal weight in the overall planning balance.

21. Consequently, taken together or individually these other matters do not outweigh the proposed development's harmful effects in relation to the character and appearance of its host building and surroundings; or its clear conflict with the development plan in regards to its lack of an acceptable contribution to affordable housing, or its lack of sufficient amenity space.

Conclusion

22. The proposed development would conflict with the development plan insofar as the policies that have been drawn to my attention are concerned. No material considerations have been advanced sufficient to outweigh these conflicts. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR