The Planning Inspectorate

Appeal Decision

Site visit made on 7 February 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 25 April 2017

Appeal Ref: APP/N5660/W/16/3161625
3 Prescott Place, Lambeth, London SW4 6BS

- 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 Deepu Mirpuri against the decision of the Council of the London Borough of Lambeth.
- The application Ref 16/03956/FUL, dated 27 June 2016, was refused by notice dated 30 August 2016.
- The development proposed is the demolition of existing lockup garages and erection of a part 2, part 3 storey block and the refurbishment and addition to existing dwelling house, to create 6 self-contained units along with the removal of existing extension and provision of 11 cycle spaces, refuse store and communal roof terrace.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (a) whether the development would protect a dwelling suitable for occupation by families and (b) the living conditions of the future occupiers of the residential units, having regard to the provision of private outdoor space and outlook.

Reasons

Protection of a dwelling suitable for occupation by families

3. The appeal site comprises a Victorian dwelling, 2 flat roofed garages and private outdoor space. The site is sandwiched between an office/light industrial building at Prescott House and the rear of properties on Clapham High Street. The dwelling sits partly over a retail unit on the high street. On the opposite side of Prescott Place, there is also a public house called the Two Brewers and St Peter's Church.

4. The existing dwelling has a floorspace of about 132m^2 and a private outdoor space that can be accessed at ground level. The building comprises a kitchen dining room, living room, bathroom and storage space at ground floor, three bedrooms at first floor, and further rooms in a loft. Although dilapidated and requiring investment, its size, internal room configuration and ground floor accessibility to private outside space would make it suitable for occupation by families.

5. The surrounding area does not have an equal quantum of flats and houses, and family-sized dwellings are in the minority. The appeal site falls within an area

considered under "conversion stress". Policy H6 of the Lambeth Local Plan (LP) 2015 states that the Council will protect dwellings for occupation from conversion to ensure mixed and balanced communities with a choice of family-sized housing. In areas under "conversion stress", part (a) (i) of LP policy H6 states all dwellings suitable for occupation by families will be protected.

6. As part of the proposal, a new house would be created utilising the existing house on the site and it would be similar in floorspace area. It would also have a first floor comprising a kitchen living dining area, bathroom and master bedroom, and a second floor comprising 3 bedrooms and bathroom. However, there would be limited living accommodation at ground floor with a stairway, storage space and entrance lobby, and shared cycling and refuse/recycling facilities. Private outdoor space would also be in the form of a private roof garden at second floor level with a metal guardrail along one edge.

7. As a result, families would have to climb up stairs to get to the first floor accommodation and use a roof terrace at the second floor for private outdoor space use. The roof terrace would enjoy better light and views than the existing private outdoor space but its accessibility and attractiveness for use by families would be greatly diminished by its elevated nature, position off a corridor serving bedrooms and it balcony type design compared to the existing situation. Consequently, the new dwelling would be significantly different and inferior to the existing dwelling on the site. For this reason the dwelling on the site suitable for occupation by families would not be protected and there would conflict with part (a)(i) of LP policy H6.

8. Part (b)(ii) of LP policy H6 states that where a property is being converted to flats, the proposal should provide a mix of unit sizes including the provision, where practicable, of a family-sized home at ground-floor level with direct access to a rear garden. From a practical point of view, the Appellant has indicated that bin, cycle and service stores are required at the ground floor of the house for all the other units. However, this part of the policy does not apply where there is a conflict with part (a)(i) of LP policy H6 as is the case here.

9. In conclusion, the development would not protect a dwelling suitable for occupation by families in conflict with LP policy H6.

Living conditions

10. Part (b)(ii) of LP Policy H5 states that for new flatted developments, communal outdoor space of a least 50m^2 should be provided per scheme, plus a further 10m^2 per flat provided either as a balcony/terrace/private garden or consolidated with the communal outdoor space. The proposal meets the communal outdoor space requirement but no private outdoor space for flat numbers 3 and 5 would be provided whilst for flat number 4, there would be a deficiency of about 3m^2. Consequently, there would be a conflict with the policy given its wording.

11. Part (a)(i) states new dwellings will be expected to provide dual-aspect accommodation unless exceptional circumstances are demonstrated. Flat units 1 and 3 have only single-aspect accommodation. Both units would have extensive glazed areas and adequate daylight/sunlight serving rooms served by these windows has been demonstrated. However outlook for unit 1 would be restricted given the windows face onto the side of Prescott House. For unit 3,

the ground floor windows would face onto the street and although there would be some planting for the defensible space, blinds or screening would be highly likely given the windows proximity. Outlook would be substantially restricted for these reasons. The majority of units would be dual-aspect and all units including bedrooms would exceed minimum space standards. However this does remove the adverse impact identified for the units concerned. Consequently, exceptional circumstances has not been demonstrated and there would be a conflict with part (a)(i) of LP policy H5.

12. In conclusion, the development would not provide adequate private outdoor recreational space or dual-aspect fenestration design for some of the units. Accordingly, the proposal would be contrary to policies Q1, Q2 and H5 of the LP, which collectively and amongst other matters require good design of development, adequate outdoor amenity space, sunlight and outlook, dual-aspect accommodation, and good practice principles to be adhered to for child friendly living environments. The proposal would also conflict with the advice of the London Plan Supplementary Planning Guidance 2016 standards on private open space and dual-aspect accommodation.

Other matters

13. The existence of Clapham Common nearby would not make up for the deficiency in private outdoor space because it would not be able to provide for the everyday immediate needs of occupiers, such as outside clothes drying and a sitting out area. For similar reasons, any surplus of internal space would not overcome this objection.

14. The proposal would provide a mixed development of different sized residential units and would result in a boost to housing supply in a location well served by public transport and facilities. However, the replacement house would be inferior in its suitability for families and the type of this accommodation is scarce in the area. The National Planning Policy Framework requires good design of development creating attractive and comfortable places to live, work and visit. In this regard, there would be significant adverse impact on the living conditions of future residents which would be of a permanent nature. For these reasons, the adverse impacts would outweigh the benefits and the development would not be sustainable.

15. As the site lies within the Clapham High Street Conservation Area, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of that area in accordance with the statutory duty under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Conservation Area comprises a variety of built forms and uses. Some of the older historic buildings retain their original form and architectural detailing. Such qualities are of significance and value and special interest to the Conservation Area.

16. By reason of alterations and additions, the Victorian house would make a neutral contribution to the character and appearance of the Conservation Area. Although the development would be modern in design terms, it would remove an unsightly frontage and continue the built-up frontage nature of Prescott place. Overall, the proposal would preserve the character and appearance of the Conservation Area.

Conclusion

17. A dwelling suitable for occupation by families would not be protected and there would be living conditions for some of the future residents by reason of insufficient private outdoor recreational space and dual-aspect accommodation. As such, there would be conflicts with LP policies Q1, Q2, H5 and H6 and the development plan as a whole. The proposal should be refused as there are no material considerations to indicate otherwise. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR