
Appeal Decision

Site visit made on 28 March 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 27 April 2017

Appeal Ref: APP/N5660/W/16/3166132

4 Valleyfield Road, London SW16 2HR

- 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 Rocco Field Ltd against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/06054/FUL, dated 21 October 2016, was refused by notice dated 15 December 2016.
 - The development proposed is the erection of a ground floor rear and side extension, a first floor side extension, loft conversion involving the roof extension to the side elevation and dormer to the rear elevation; conversion of single dwelling into two self-contained units.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised by this appeal are the effect the development would have on the supply of family housing and on the living conditions of future occupiers, with particular reference to internal living space.

Reasons

Housing supply

3. The appeal property is a semi-detached house with a large rear garden in a residential area predominantly characterised by similar properties. At the time of my visit the various extensions had been constructed. The house was of a size and configuration, in its original state, which would have provided accommodation suitable for occupancy by a family.
 4. The proposal would convert the extended building into two flats, both providing three bedrooms and with access to the rear garden, which would be sub-divided.
 5. To ensure mixed and balanced communities with a choice of family-sized housing and to manage the cumulative effects of residential conversions on environmental quality and local amenity the Lambeth Local Plan, 2015 (Local Plan) seeks to protect certain dwellings from conversion to flats. Local Plan Policy H6 (a) (ii) protects dwellings of less than 150m² in floor area (as originally constructed) suitable for occupation by families from flat conversions outside parts of the Borough under conversion stress and not on the main road network. The appellants calculate that the property as originally constructed
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would have been 119.84m² in area and would therefore be of a size where criterion (a) (ii) of Local Plan Policy H6 applies.

6. Although the appellants point out that the site is not in area of conversion stress, Local Plan Policy H6 covers circumstances both in and outside such areas. There is no reason to suggest that the characteristics of Valleyfield Road are such that conversions should not be considered in line with the policy in this regard.
7. "Dwellings suitable for occupation by families" are defined by the Local Plan as "...houses, purpose built maisonettes and duplex dwellings with ground-floor access to a rear garden, with three or more bedrooms". The appellants consider that the proposal would therefore not result in a loss of family housing but the net gain of one family-sized unit. The two flats would both be of three bedroom configuration. However the one with direct, ground floor access to the garden would be single storey. Whilst the other would be a two storey unit it would be situated on the first and second floors and access to the rear garden would be via the shared front entrance which could not reasonably be considered as ground floor access to the garden. As such neither of the proposed flats would provide family sized accommodation within the development plan's definition.
8. Furthermore, the accommodation offered would be materially different to that provided by a single house. The intensification of the use of the building as a result of its occupation by two households would also have a materially different effect on the character of the street, and consequently environmental quality and local amenity, albeit limited by the scale of the proposal. The flats' size and configuration would only be made possible as a result of the extensions and alterations to the original dwelling. Local Plan Policy H6 is explicit in setting an original floor area threshold and its definition of family-sized dwellings only refers to two storey typologies. As such the proposal would result in the loss of a dwelling suitable for occupation by families and would be contrary to Local Plan Policy H6.
9. In support of their appeal the appellants have referred to a recent planning permission for the conversion of a house to two flats at 104 Natal Road, also in the SW16 area. The appellants consider that proposal is similar to the appeal scheme in a number of respects and it was also considered under Local Plan Policy H6. However the Council advise that an error was made in that case and that they had subsequently refused planning permission for a similar conversion at that property, with a previous refusal subsequently dismissed at appeal. The more recent of the Council's decisions and the appeal decision found that scheme contrary to Local Plan Policy H6. These circumstances do not, therefore, lead me to consider that the appeal proposal would be acceptable or that the policy is necessarily being applied in a way which would indicate that the appeal proposal would accord with it in this case.
10. Any benefits arising from the net gain of a single dwelling in terms of meeting the Borough's housing needs would be limited and would not be outweighed by the harm caused by the loss of a dwelling suitable for occupation by families.

Living conditions

11. Both flats would have a reasonable amount of living space as a result of the size of bedrooms and communal areas. The Council consider that the upper

flat would not accord with the space standard set out in London Plan, 2016 Policy 3.5 which reflects the national standard¹ and nor would it provide the built in storage required. These standards require a 3 bedroom, 2 storey dwelling occupied by 6 persons to have a minimum internal floor area of 102m². The appellants' plans indicate that it would be 91.7m² which is just below the standard for 5 person occupancy (93m²) and above that for 4 persons (84m²) for a dwelling of the same configuration.

12. However, the proposed space and layout would not be overly constrained or confined and it is unlikely that future occupiers of the flat would experience any adverse effects as result of the flat's size and configuration, even if occupied by six persons. Furthermore, the Council indicate in their officer's report that the missing built-in storage could be addressed by re-drafted plans. Although the bedrooms are all of a double size, were some of them not occupied by two persons, the internal space would be likely to accord with the standards.
13. The proposal would not lead to material harm to future occupiers' living conditions and would not conflict with the housing standards requirements of Local Plan Policy H5 nor, in this regard, with Local Plan Policy H6. The proposal would not comply with London Plan Policy 3.5's requirement that boroughs should seek to ensure that new development reflects its space standards. However, the material consideration of the layout of the upper flat and lack of harm to future occupants lead me to consider that a decision not in accordance with the development plan could be taken in this instance. Avoidance of harm in this respect does not, however, amount to a positive consideration in support of the proposal.

Conclusion

14. For the above reasons, and having had regard to all other matters raised, the proposal would harm the supply of family housing, contrary to the development plan. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR

¹ Technical housing standards – nationally described space standard, DCLG, 2015.