The Planning Inspectorate

Appeal Decision

Site visit made on 28 March 2017

by R C Kirby BA(Hons) DipTP MRTPI

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

Decision date: 27 April 2017

Appeal Ref: APP/N5660/W/16/3164768
29 Benton's Lane, London SE27 9UD

- 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 Eawar Ali against the decision of the Council of the London Borough of Lambeth.
- The application Ref 16/03246/FUL, dated 27 May 2016, was refused by notice dated 16 August 2016.
- The development proposed is change of use of basement area to provide two studio flats.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the design of the new units would provide a good standard of amenity for the intended future occupiers, having particular regard to outlook.

Reasons

3. The appeal proposal relates to the change of use of the basement area of this building to provide two flats. Each flat would accommodate an open plan kitchen/lounge/dining area with separate bedroom and shower room.

4. Policy H5 of the Lambeth Local Plan (LLP) relates to housing standards. Amongst other matters, the policy states that new development should accord with the principles of good design and will be expected to provide dual-aspect accommodation, unless exceptional circumstances are demonstrated.

5. Paragraph 56 of the National Planning Policy Framework (the Framework) states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The core planning principles of the Framework include high quality design and a good standard of amenity being secured for all existing and future occupants of land and buildings.

6. Although there is no definition within LLP Policy H5 of what the Council consider the principles of good design to be, the Planning Practice Guidance (PPG) is helpful in this regard. It advises that achieving good design is about creating places, buildings or spaces that work well for everyone, look good, last well and will adapt to the needs of future generations. Good design responds in a

practical and creative way to both the function and identity of a place[1]. The PPG also advises that good design should, amongst other matters, enhance the quality of buildings and spaces, by considering form and function, efficiency and effectiveness and their impact on well being[2].

7. There is no dispute between the parties that the size of the accommodation proposed complies with adopted standards. Each unit would receive acceptable levels of daylight and sunlight as set out in the appellant's assessment. Sufficient outdoor communal amenity space would also be provided for the new units.

8. The appellant submits that the proposed flats would provide dual aspect accommodation and has drawn my attention to the Mayor of London's supplementary planning guidance on housing which provides a definition of "dual aspect". Having regard to this definition and the design of the proposed units, I share the appellant's view that the new flats would be dual aspect.

9. However, whilst the new units would be served by windows and glazed doors, these features would face directly onto small, deep lightwells, such that the outlook from the rooms they serve would be of a high wall in close proximity to the window or door. I share the Council's concern that this would have a significant enclosing effect upon the respective rooms of the flats making the space within them unpleasant to use. It would not be possible for an occupier of the flats to see the sky, surrounding landscaping or outdoor activity from their living accommodation because of their design below ground level. The outlook from the living accommodation of the flats would be poor as a result and would be significantly below the standard of living conditions that future occupiers could reasonably expect from a self-contained unit of residential accommodation. The provision of planting, and floor to ceiling windows as suggested by the appellant would not address the harm that I have identified.

10. Paragraph 64 of the Framework states 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. In light of my findings, I consider that the new flats would be poorly designed in that they would not provide a good standard of amenity for the intended future occupiers in terms of outlook. This brings the scheme into conflict with the design objectives of LLP Policy H5, the design and amenity core planning principles of the Framework and the design advice contained within the PPG.

Conclusion

11. For the above reasons and having regard to all other matters raised, the appeal is dismissed.

R C Kirby

INSPECTOR

[1] Paragraph: 001 Reference ID: 26-001-20140306
[2] Paragraph: 002 Reference ID: 26-002-20140306