
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: 02 May 2017

Appeal Ref: APP/N5660/W/16/3160558
58 Edgeley Lane, London SW4 7UW

- 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 George Lee (LDN Property Partners) against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/04726/FUL, dated 2 June 2016, was refused by notice dated 5 October 2016.
 - The development proposed is "works include the division of the property (currently a 5 bed house) into a studio flat, 2 bed flat and 3 bed maisonette, these works include extending to the rear and the addition of a mansard roof to the existing roof terrace."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (a) the living conditions of the occupiers of the proposed flats, having regard to outlook, light, ventilation and internal floorspace and (b) whether the proposal would preserve or enhance the character or appearance of the Clapham Street Conservation Area.

Reasons

Living conditions

3. The appeal site comprises a three storey terraced property which has five bedrooms. This residential use has direct access off Edgeley Lane. Part of the property also includes a long flat-roofed addition which contains a commercial use that fronts onto Clapham High Street.
 4. Policy H5 of the Lambeth Local Plan (LP) 2015 requires that new residential development should accord with the principles of good design and will be expected to provide dual-aspect accommodation unless exceptional circumstances arise. The ground floor studio flat has a large glazed window and rooflight over its living/kitchen/dining room but this would be single-aspect. Whilst light and ventilation would be acceptable to the future occupants of the studio flat, outlook would be mainly onto a restricted sized courtyard enclosed by a boundary wall/gate and partly by a staircase. The courtyard would also be accessed by the occupants of the upper floor flats when bin and cycle storage facilities needed to be used. As such, the quality of the outlook for this flat would be poor and there would be no exceptional circumstances to set aside the requirement for dual-aspect accommodation.
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5. In terms of internal residential floorspace, LP policy H5 on housing standards states that development should accord with the principles of good design whilst LP policy H6 on residential conversions requires a high quality of accommodation resulting from building conversion. There is no specific definition of adequate internal floorspace areas within LP policies but the explanatory text refer to the guidance of the London Plan Housing Supplementary Planning Guidance (SPG) 2016. Together with the technical space standards - the nationally described space standards (NDSS), the SPG provides assistance in assessing the adequate floorspace areas, gross internal space (GIS), for different sized residential units.
6. For the first floor flat, the submitted plans show 2 bedrooms each annotated to have double beds. The SPG and NDSS indicate that occupancy would be likely to be 3 persons or 4 persons for this type of accommodation. The GIS area put forward by the Appellant would be significantly below the minimum required either 3 persons or 4 persons for this type of accommodation. For the second and third floor maisonette flat, the submitted plans show 3 bedrooms each again annotated to have double beds. The plans show the GIS for each of the three bedrooms to be below the minimum GIS figure for bedrooms for two persons under the NDSS.
7. However, one of the bedrooms would only just be below the minimum figure and for this type of accommodation, the SPG and NDSS consider occupancy to be 4 persons or 5 persons or 6 persons. On this basis, I am satisfied that occupation would be likely to be 4 persons for this maisonette flat. Although there are disputes between the main parties on the true figure for the GIS, I am satisfied that the floor space plans before me show the minimum GIS figure for a 4 person 3 bed accommodation exceeded. In summary, there would be satisfactory internal floorspace for the maisonette flat but not for the first floor flat.
8. In conclusion, there would be harm to the living conditions of the future occupiers of the ground floor studio flat by reason of the poor outlook and the first floor flat by reason of inadequate internal floorspace. Accordingly, the proposal would be contrary to policies H5 and H6 of the LP, which collectively and amongst other matters, require development to accord with the principles of good design, provide dual-aspect accommodation unless there are exceptional circumstances and for accommodation to be of a high quality.

Character and appearance

9. The appeal site comprises a 18th Century mid terraced property which has largely retained its original form, despite some alterations. It is situated within a row of similar properties, some of which have been extended or altered.
10. 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 of differing ages and uses. Nevertheless some of the older historic buildings retain their original form and architectural detailing, and are positive aspects of the Conservation Area. Despite many modern developments of differing design merit, such qualities are of significance and value and special interest to the Conservation Area.

11. The existing building, subject to the conversion and extension, provides a positive contribution to the character and appearance of the Conservation Area because it has retained its original form and detailing, such as windows including surrounds, and roof parapet. The proposal would result in a mansard roof extension which would be set back from Clapham High Street frontage by a new roof terrace, as well as the long flat-roofed single storey building, limiting views.
12. However, it would be highly visible from Edgeley Lane by reason of its position directly above the existing second floor and would detract from the original historic form of the property. The distinctive original parapet wall would disappear. Furthermore, the mansard roof would appear prominent and incongruous given that adjoining terraced properties have retained their original form. Some of the properties along Edgeley Lane have been extended at roof level but the prevailing pattern is of strong parapet rooflines with little visible roofs structures behind.
13. In conclusion, the proposal would fail to preserve the character and appearance of the Conservation Area by failing to respect the architectural integrity of the host property and terrace. Accordingly, the proposal would conflict with policies Q11 and G22 of the LP, which collectively and amongst other matters, require development to have a design that positively responds to the original architecture, roof form and detailing of the host building, and for proposals to preserve or enhance the character and appearance of Conservation Area.

Other matters

14. In terms of the National Planning Policy Framework (the Framework), the proposal would result in less than substantial harm. Paragraph 134 of the Framework states where a development would lead to less than substantial harm to the significance of a designated heritage asset (such as a Conservation Area), this harm should be weighed against the public benefits of the proposal.
15. There would be a boost to housing supply providing accommodation for future generations. Nevertheless, such a benefit would be limited by reason of a net increase of only two residential units. Furthermore, the quality of the accommodation in respect of two units has been identified to be sub-standard. In the balance, the benefits have to be weighed against the adverse impact on the character and appearance of the Conservation area for which considerable importance and weight has to be attached. Therefore, while the harm to the significance of the Conservation Area is less than substantial, the public benefits would not be sufficient to outweigh that harm.
16. In light of my comments on the provision of satisfactory light, including daylight, for the ground floor studio flat, any increased energy consumption for artificial light over and above normal requirements would not be significant. Furthermore, it has not been demonstrated that the identified harm on outlook would lead to any increased energy consumption and therefore, there would be no conflict with LP policies EN4 and Q2 relating to this issue.
17. The submitted plans show provision of bin and cycle storage facilities underneath the staircase leading up to the upper floors. Although the available height is restricted by the staircase, a condition could have required further details to be submitted and approved in writing for this part of the site if

permission was to be granted. Therefore, there would be no conflict with LP policies H6, T3, Q12 and Q13 relating to such matters.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR