

Appeal Decision

Site visit made on 21 February, 2017

by G. Rollings, BA (Hons) MA(UD) MRTPI

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

Decision date: 30th May, 2017

Appeal Ref: APP/N5660/W/16/3161509

38 Dalberg Road, London, SW2 1AN

- 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 Child Graddon Lewis against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/02367/FUL, dated 13 April 2016, was refused by notice dated 18 August 2016.
 - The development proposed is an existing residential dwelling converted into 2 self-contained flats.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Additional documentation was submitted by the appellant, at the start of the appeal. This relates to the proposed parking arrangement and includes a Unilateral Undertaking which was not complete on submission, but subsequently completed following my site visit. The parties have had the opportunity to comment on these documents, which do not raise any new issues compared with the original application. I am satisfied that in accepting these, the interests of any party have not been prejudiced.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the provision of mixed and balanced communities within the area, with particular reference to the supply of family housing;
 - Whether the proposed development would provide acceptable living conditions for future occupiers, with particular reference to the provision of outdoor space, the internal layout of the dwellings, and the provision of cycle parking facilities; and
 - Whether a planning obligation is necessary with regard to the proposed development's effects on local parking demand.
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Reasons

Effect on the supply of family housing

4. The appeal site currently accommodates a mid-terrace dwelling arranged over three floors of accommodation. The appeal proposal involves the subdivision of the six-bedroom dwelling into two smaller flats, one with three bedrooms arranged on the ground and first floors, and the other containing two bedrooms, accommodated across the first and second floors of the building.
5. Council policies restrict the conversion, and therefore the loss, of family housing within areas of conversion stress. In particular, *Lambeth Local Plan* (2015) Policy H6 requires the retention of all dwellings suitable for occupation for families, within these areas. The text accompanying the policy explains that streets identified as being under stress are marked on the Policy Map.
6. The appellant has submitted a study indicating the breakdown of dwelling types along the length of Dalberg Road, which suggests that the number of houses previously converted into flats could be fewer than the Council's previous reports suggest. Having investigated the types of dwellings along the street during my site visit, I have no reason to doubt the accuracy of the appellant's data. However, despite potential differences in the conversion rates cited by the parties, the fact remains that the Council's data was tested, relatively recently, as part of the Local Plan examination process. Dalberg Road is specifically identified on the Policy Map, which forms part of the Local Plan. Given the *National Planning Policy Framework's* emphasis on maintaining a plan-led system for planning decisions (paragraph 196), I do not consider the piecemeal amendment of the Council's adopted policies, as would be the case in this instance, to be an appropriate course of action.
7. A previous proposal for conversion of this property was the subject of a recent appeal dismissal¹. The Inspector in that instance considered that even if the Council's data was found to differ from the appellant's, the conversion stress status of – and its effects on – the street would not necessarily be disproved. This remains the case. Whilst the proposed three-bedroom could be suitable to accommodate a family, this does not negate the loss of a larger dwelling, which would be suitable for a larger family. Moreover, Local Plan Policy H6 does not make any provision for such an exception.
8. I acknowledge that the partial provision of car-free accommodation could reduce the proposed development's impact on the local on-street parking demand. Additional demand is one of the indicators of an area's conversion stress. However, Local Plan Policy H6 sets out a number of additional reasons against the loss of existing dwellings within areas under conversion stress. I therefore conclude that the proposal would have a harmful effect on the fair provision of mixed and balanced communities within the area, and would result in the loss of a dwelling suitable for family accommodation. This would conflict with Local Plan Policy H6, for the reasons set out above.

Living conditions for future occupiers

9. The Council's Local Plan Policy H5 states that for flat conversions, at least 50sq.m. of communal amenity space should be provided, along with an

¹ Appeal ref: APP/N5660/W/15/3136332; decision date 22 March 2016.

additional 10sq.m. per flat for private amenity space, which should otherwise be consolidated with the communal space. A space of approximately 20sq.m. would be provided for the sole use of occupants of the proposed development's lower flat, with no other space to be provided. The text accompanying Policy H5 states that where the recommended provision cannot be met, additional living space might be provided in exceptional circumstances only, which have not been demonstrated in this instance.

10. The appellant has cited the half-mile distance from the site to Brockwell Park as a suitable substitute for on-site outdoor space provision. However, this is a relatively large distance for a young family, for example, to travel in order to satisfy basic daily recreational needs. The policy also mentions that private outdoor space is highly valued and should be provided as a minimum standard to accord with the principles of good design. Failure to attain the required space provision, without appropriate mitigation, does not therefore represent the standard of design sought by the Council.
11. The Council objected to the proposed vertical stacking of rooms, whereby the kitchen of the upper flat would be directly above a bedroom of the lower flat. The Council has not provided me with any adopted guidance pertaining to the internal arrangement of rooms. However I agree that the arrangement of rooms in which conflicting activities occur could result in unsatisfactory conditions for future occupiers. Noise insulation could possibly assist in reducing any potential impacts, and this would need to extend to plumbing through floors. In any case, failure to prevent such potential conflict from the outset would not represent the good-quality design standard required by Local Plan Policy H5.
12. The scheme would provide two internal cycle parking spaces, with a further two required to meet the standards set within Table 6.3 of *The London Plan* (2015). Were the appeal to be allowed, a suitable planning condition could enable the provision of additional parking spaces, such as the cycle stand arrangement suggested by the Council.
13. On the issue of living conditions, I therefore conclude that the proposed development would not provide acceptable living conditions for future occupiers, with particular reference to the provision of outdoor space, and internal layout, although the cycle parking provision could be made acceptable. Nonetheless, in relation to the first two matters, the proposal conflicts with Local Plan Policies H5 and H6, for the reasons set out above.

Local parking demand

14. Council Local Plan Policy T6 states that planning applications will be supported where they do not have unacceptable transport impacts, and Policy T7 allows for the development of car-free schemes in areas with good public transport accessibility. Policy H6 states that in areas of parking stress, no additional parking permits will be issued to occupiers of additional housing units arising from conversions.
15. The development is described as a partial 'car-free' development, in that the car-free requirement would apply only the proposed upper flat, and not to the lower flat, which would subsume the parking permit allowance of the existing dwelling. A completed unilateral undertaking has been submitted which restricts the entitlement of future residents of the upper floor flat to be issued

with parking permits for on-street parking in this parking restricted area. This includes a requirement for the owner to inform prospective residents of the restrictions relating to car use within the terms of the undertaking, and as such, I am satisfied that this obligation will be enforceable against the current owners of the properties and their successors in title. I am satisfied that the statutory framework and specific circumstances of this development justifies the provision of an obligation for the restriction of parking of private vehicles. As such, a planning obligation is appropriate in this case, and it would meet the tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations (2011), and the Framework (paragraph 204).

16. I therefore conclude that a planning obligation is necessary with regard to the proposed development's effects on local parking demand. The completed obligation meets the tests as set out above, and it responds appropriately to the Council's concerns on this issue. There would be no conflict with the Council's Local Plan policies H6, T6, or T7, for the reasons set out above.

Other issues

17. I acknowledge the appellant's comment that the proposed dwellings would assist in meeting the high level of demand for new housing in London. However, the benefit in providing one new additional small dwelling does not, in this instance, mitigate the significant harm that the proposal would have in respect of the issues discussed above.

Conclusion

18. I have found that the proposal would not result in additional harm to local parking conditions. However, such an absence of harm does not outweigh the measurable and material harm of the proposal in respect of the local supply of family housing and the related effects of conversion on the area, and the unsatisfactory living conditions for future occupiers of the development.
19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Rollings

INSPECTOR