

Appeal Decision

Site visit made on 13 June 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 06 July 2017

Appeal Ref: APP/N5660/W/17/3171007

117-119 South Lambeth Road, London SW8 1XA

- 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 Daleside Estates Ltd against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/06771/FUL, dated 1 December 2016, was refused by a notice dated 27 February 2017.
 - The development proposed is the conversion of maisonette into two x one bed flats.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have dealt with another appeal (Ref: APP/N5660/W/17/3170987) on this site. That appeal is the subject of a separate decision.

Main Issue

3. The main issue in this case is whether the appeal proposal would provide acceptable living conditions for future residents, with particular regard to outlook, light and the provision of external amenity space.

Reasons

4. The appeal premises has recently been extended and refurbished to provide two ground floor commercial units, with three residential units on the two floors above. The appeal proposal would convert an existing two bedroom maisonette into two self-contained one bedroom flats, one at first floor and one at second floor level.
 5. Each of the proposed flats would have the same layout. The main outlook from the combined kitchen and living area would be towards the flank wall of the rear outrigger of No 115 South Lambeth Road, with only the narrow walkway of Stamford Buildings separating the two properties. The three main windows which would serve the kitchen/living areas, would look directly towards the flank wall and windows of No 115, which is less than three metres away. Consequently, whilst the outlook from those windows serving the second floor flat would have a more open aspect, with some views of the skyline above 115's hipped roof, the outlook from the living accommodation in the first floor
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- flat would be restricted. Similarly, the outlook from the small additional window within the living area would also be enclosed by adjoining walls and its view would be directly towards the proposed bedroom.
6. Furthermore, the outlook from each flat's sole bedroom would also be limited. One of its windows would need to be non-opening and fitted with obscure glass, to safeguard the living conditions of neighbouring residents, whilst the outlook from the bedroom's secondary window would be restricted by the proximity of the adjoining walls.
 7. I recognise that the existing maisonette is served by the same windows as proposed in this case; however as a single unit with accommodation spread over two floors, the outlook for its occupants is less restricted overall. The living room is located on the second floor where the windows on the flank elevation are less enclosed, thus providing a more open aspect with views of the skyline and access to sunlight. In this instance, for the reasons set out above, the outlook from all the accommodation for the proposed first floor flat would be restricted, and future occupiers would to my mind find that the space would feel enclosed with limited, if any access to direct sunlight. An additional window inserted into the rear elevation, which would also be required to be obscure glazed, would not mitigate the harm I have identified.
 8. Policy H5 of Lambeth Local Plan, 2015 requires new flatted developments, including conversions, to have access to communal amenity space, plus a further 10m² of space per flat either as a balcony/terrace/private garden or consolidated with the communal space. The appeal proposal makes no provision for communal or private amenity space, for either of the proposed flats. The supporting text to Policy H5 recognises that it is not always possible to provide external space, particularly in conversions. However, where such space cannot be provided, consideration may be given to the provision of commensurate internal living space within the dwelling to compensate.
 9. Despite the appellant stating that the proposed flats are intended for single occupancy only, the proposed bedroom is of sufficient size to be a double or twin room as set out in the Nationally Described Space Standard¹ (NDSS). The proposed accommodation should therefore be considered to be a one bedroom two person (1b2p) flat. It is clear that there are no opportunities in this case to provide future occupiers with any external amenity space, and it is also clear that the accommodation to be provided would not exceed the adopted NDSS for a 1b2p flat as set out in Policy 3.5 of the London Plan. I recognise that Vauxhall Park is close by, and would provide a place for play and sitting out. However, there would no opportunity for the future occupiers to enjoy the benefits provided for by the provision of external amenity space, including space to dry clothes, outside storage and soft landscaping.
 10. I have taken into consideration the benefits of providing additional housing to meet local needs, and I recognise that the proposed flats would meet the gross internal space requirement for a 1b2p flat, as set out in the NDSS. However, for the reasons given above, the accommodation that would be provided within the proposed first floor flat would have poor outlook, with limited, if any access to direct sunlight. Furthermore, future occupiers would not have the benefit of any external amenity space.

¹ Technical housing standards-nationally described space standards. DCLG 2015

11. I therefore conclude that the appeal proposal would not provide acceptable living conditions for future residents, with particular regard to outlook, light and the provision of external amenity space. It would conflict with the development plan, and in particular with Policies H5 and Q2 of the Lambeth Local Plan, 2015 and Policy 3.5 of the London Plan, 2016 which seek ensure, amongst other things, that new housing development is of the highest quality internally, has an adequate outlook, daylight and sunlight to avoid an undue sense of enclosure, and is provided with external amenity space.

Other Matters

12. The Council's third reason for refusal relates to the appellant's failure to provide sufficient information in relation to energy efficiency or the sustainability of the proposal. The proposed development would be a simple conversion, re-using an existing building and with limited opportunities to incorporate new energy efficient construction materials. However, the appellant's statement provides some additional information on improvements that could be made to reduce carbon dioxide emissions, and improve the thermal efficiency of the building. Should I have been minded to allow the appeal, I am satisfied that this matter could have been adequately dealt with by a suitably worded condition.
13. The Council consider that the proposal should be car free and that a planning obligation under Section 106 of the Town and Country Planning Act 1990 is required to secure a car free development. The appellant has stated a willingness to provide such an obligation. Whilst no such obligation has been submitted, given my findings on the main issue, this is not a matter that I need to address.

Conclusion

14. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR