



Appeal Decision

Site visit made on 7 June 2017

by **A J Mageean BA (Hons) BPI PhD MRTPI**

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

Decision date: 7th July 2017

Appeal Ref: APP/N5660/W/17/3171790 **26 Morval Road, London SW2 1DQ**

- 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 David Monheit against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/06265/FUL, dated 3 November 2016, was refused by notice dated 23 December 2016.
 - The development proposed is conversion of single dwelling house to provide 3 No self-contained units with internal alterations to doors and windows to rear elevation at ground floor level.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted amended plans seeking to address the acknowledged shortfall in floor space relating to the second floor unit. Specifically it is requested that plan reference HD919/8002 rev B which illustrates a second floor one bedroom two person unit be replaced by plan reference HD919/8002 Rev C which illustrates a studio flat which would provide sufficient space for single person occupancy. The Council has stated that it would not be willing to accept this amended plan. I have considered this matter against the guidance¹ which in such circumstances advises consideration of whether acceptance of amended plans would prejudice anyone involved in the appeal. In the present case I do not consider that the principle of a smaller unit and resulting lower level of occupancy would prejudice interested parties, and I therefore accept the amended plan.

Main Issues

3. The main issues are:
 - The effect of the proposal on the provision of family-sized housing in the borough; and,
 - Whether future occupiers would experience acceptable living conditions in terms of internal space provision.

Reasons

Family-sized accommodation

¹ Procedural Guide – Planning Appeals – England 2016, Annex M.

4. The appeal site is a modestly sized two storey mid-terraced property which has been altered to provide additional accommodation in the roof space. It is located within an area characterised by similar properties.
5. Policy H6 of the Lambeth Local Plan 2015 (Local Plan) states that the Council will protect dwellings suitable for occupation by families from conversion into flats or houses in multiple occupation. This is to ensure mixed and balanced communities with a choice of family sized housing, and to manage the cumulative effects of residential conversion on environmental quality. In the present case the protection of dwellings of less than 150m² (as originally constructed²) suitable for occupation by families is relevant.
6. Whilst the parties agree that this property as originally constructed had a floor area of around 144m², and that extension(s) dating from pre-1948 can also be included in this figure, there is disagreement about the size of this additional floorspace. The Council appears to accept that an extension of around 4m² probably existed pre-1948³, taking the accepted floor space to 148m². The appellant notes that by comparing historical maps from 1919 and 1951 it is possible that this property had more than one extension, though in my view the evidence is not clear in this respect.
7. The appellant also makes reference to the Council's acceptance of a rear extension measuring around 6m² as part of an application to convert No 22 Morval Road into flats in 2004. It is suggested that as this extension was identical to the one at No 26 this is a relevant consideration in the present case. However, the precise circumstances of this case are not before me to enable such a comparison. Specifically, it is not clear from the evidence presented that the extensions to both properties were identical. Furthermore, this planning application was determined prior to the adoption of the current Local Plan and Policy H6 requiring the retention of family-sized dwellings. It is not clear that an equivalent policy existed prior to 2015 and therefore the suggestion that the acceptance of the size of this dwelling pre-1948 enabled this approval does not follow.
8. The appellant suggests that even with the floor space of 148m² a shortfall of 2m² would not be significant. Nonetheless this would conflict with current policy and the principle of retaining units of this size for individual use as family accommodation.
9. I have taken into consideration the appellant's point that the scheme as proposed would provide a three bedroomed family sized unit on the ground floor, and that the provision of two additional units of accommodation would help address local housing needs. However the local plan defines 'dwellings suitable for occupation by families' as meaning "...houses, purpose-built maisonettes and duplex dwellings with ground floor access to a rear garden, with three or more bedrooms". Whilst the ground floor flat would have three bedrooms with direct access to a small rear garden area it would be single level and therefore not comply fully with the local plan's definition of a dwelling suitable for accommodation by families. Therefore these points do not outweigh the policy provisions seeking to maintain the stock of traditional family sized units.
10. The appellant also points to the fact that the proposal would bring a derelict building back into use. Nonetheless, it is clear that a scheme of restoration is underway regardless of the outcome of this appeal.

² The explanatory text to the Policy further clarifies that extensions carried out pre-1948 can be included in the original floorplan area.

³ Email correspondence from the Council to the appellant 16.12.16

11. On this matter I conclude that the proposal would have a detrimental effect on the provision of family-sized housing in the borough. Any benefits arising from the net gain of two units in terms of meeting the borough's housing needs would be limited and would not be outweighed by the loss of accommodation suitable for occupation by a family. In this respect it would conflict with Local Plan Policy H6 and Policy 3.5 of the London Plan which seeks to protect and enhance London's residential environment.

Living conditions – space standards

12. I have already accepted the revised plans in which the Council's specific concerns regarding the shortfall in space for a one bedroom two person unit is addressed by its replacement with a one person studio flat. The Council's reason for refusal also refers to a failure to comply with minimum room sizes. However no further detail is given and it does appear that the proposal is acceptable in this regard.
13. Therefore I find that future occupiers would experience acceptable living conditions in terms of internal space provision. In this respect the proposal would comply with the minimum space standards set out in Policy 3.5 of the London Plan. Policy H5 of the Local Plan is also referred to but as this relates to the provision of amenity space which is not a concern of the Council in this case it is not relevant.

Other Matters

14. The appellant has drawn my attention to the fact that if the appeal is not allowed this property is likely to be adapted internally to create a house in multiple occupation. I accept that recent changes to the Use Classes Order allow for change of use from a dwelling house (C3) to a small house in multiple occupation (C4) without the need for planning permission. Clearly this change would conflict with local policy, and the principle of the retention of this dwelling as a family unit. However, I note that the maximum occupancy of a small house in multiple occupation is 6 persons, with any further occupation requiring planning permission. As this would therefore be a lower level of occupancy than that presently proposed, which is up to 8 persons, this would result in a less intensive level of use than if the appeal were allowed. On this basis I give this consideration limited weight.
15. The appellant has submitted a section 106 agreement which seeks to ensure that this would be a car free development. Whilst I agree that this would be required to address parking concerns should this proposal be acceptable in other regards, it does not in itself weigh in favour of the proposal. Similarly the fact that the appellant has clarified how refuse and cycling provision would be accessed is a matter of neutral weight in this decision.

Conclusion

16. Whilst I have found that the proposal would be acceptable in terms of the provision of floorspace, I have also found that the proposal would be harmful to the supply of family housing in the Borough. As material considerations, including the possible conversion of the property to a small house in multiple occupation, do not indicate that I should conclude other than in accordance with the development plan, the appeal is dismissed.

AJ Mageean

INSPECTOR