
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: 19 July 2017

Appeal Ref: APP/N5660/W/17/3169313
17 Lower Marsh, London SE1 7RJ

- 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 Ozone Investment Holdings Limited against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/05457/FUL, dated 19 September 2016, was refused by a notice dated 15 December 2016.
 - The development proposed is the residential redevelopment of 17 Lower Marsh, including replacement commercial unit at ground and basement floor level with 5 new flats (6 in total) above, whilst retaining front façade.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues in this case are:
 - The effect on the character and appearance of the host property and Lower Marsh Conservation Area;
 - Whether the proposed development would provide acceptable living conditions for future occupiers, having particular regard to outlook and external amenity space; and
 - Whether or not the proposal makes adequate provision for cycle storage.

Reasons

Character and appearance of the host property and Lower Marsh Conservation Area

3. The appeal site fronts onto Lower Marsh and is located at the heart of Lower Marsh Conservation Area. The street is characterised by predominantly two, three and four storey 19th and 20th Century commercial properties some of which have residential accommodation on their upper floors. Lower Marsh's historic street market adds vibrancy to the street which is now characterised by an assortment of independent shops and services.
4. There is no dispute between the parties that the appeal property was originally constructed in the early-mid C18 and formed part of a row of three dwellings. It has however been substantially altered internally and its front façade has been remodelled or rebuilt to provide a full three-storey Victorian frontage with

a pitched roof concealed at the front by behind a moulded parapet cornice. It does however retain much of its original early Georgian rear elevation above ground floor level, which is constructed in brown brick, retains box sash windows and mansard attics constructed from clay tiles. The scale, layout and historic form of the rear of the property is clearly visible from Munro House which lies to the rear of the appeal site, and overall the appeal property makes a valuable contribution to Lower Marsh Conservation Area.

5. The adopted Conservation Area Statement for Lower Marsh Conservation Area, 2007 (CAS), recognises the heritage value of the appeal premises, and identifies Nos. 17 -21 Lower Marsh as making a positive contribution to the character and appearance of Lower Marsh Conservation Area. Their contribution and value is as a group, but to my mind the significance of the appeal premises can be attributed to its origin as a small early-mid C18 dwelling, the scale and form of which is still clearly discernible, particularly when viewed from the rear. The inclusion of the property within P Guillery's book entitled 'The Small House in Eighteenth Century London', 2004 reinforces this significance.
6. The appeal proposal would substantially extend the property to the rear, whilst retaining its front façade. It would extend across the whole width of the existing rear elevation of the building and to a height of three storeys. It would also wrap around the rear elevation of its neighbour, No 18. Additional accommodation would be provided in a new mansard roof which would encompass the whole of the extended building. Furthermore the footprint of the extension would almost fill the plot.
7. I agree with my colleague Inspector Dobsen¹ that Lower Marsh has a diverse architectural character where new and old buildings, many of which have been extended, co-exist cheek by jowl and create an unusually mixed townscape and roof scape. However, Policy Q11 of the Lambeth Local Plan, 2015 (LP) advises that when considering proposals for the alteration or extension of buildings, the Council will generally expect proposals to respond to the original architecture, roof form, detailing, etc of the host buildings. Furthermore, it requires, amongst other things, extensions to be subordinate to the host building and states that roof additions and mansards will not be supported where they would harm the architectural integrity (building form and design integrity) of the original building or its group. Moreover, Policy Q22 of the LP advises that development proposals affecting conservation areas will be permitted where they preserve or enhance the character or appearance of the conservation area, and that façade retention with the demolition of the remaining building is generally not considered appropriate in conservation areas as it results in the loss of historic structures.
8. In this case, the significance of the host building is derived from its origins as a small early-mid 18C dwelling. I recognise that the interior of the building has been altered in the past, and it was evident from my site visit that the overall condition of the building, including its rear elevation is likely to require substantial renovation and structural works in the near future. It is also clear that the front part of the roof has been altered, and the creation of a small mansard roof extension fronting towards Lower Marsh would not in my view appear incongruous. However, the scale and bulk of the rear extension

¹ APP/N5660/A/12/2181007, 25 Lower Marsh, London SE1 7RJ

and overall extent of the mansard roof proposed would overwhelm the host building and dominant the neighbour properties Nos. 18 & 19 Lower Marsh. The extension would not be subservient to the host building and its original form as a small dwelling and the legibility of the historic plot and rear elevation would no longer be discernible. Consequently the conservation value of this historic group of properties and the contribution that the appeal property makes to the conservation area as a whole, would be diminished.

9. I recognise that the neighbouring property No 16 and indeed No 21 Lower Marsh have been substantially extended in the past. I do not know the precise details or history of these developments, however it is clear that the Council recognises that No 16 makes a negative contribution to the Conservation Area². The existence of these other large extensions does not in my view justify the harm I have identified above, and in any event each case must be considered on its own merits.
10. I conclude that the proposed development would have a harmful effect on the character and appearance of the host property and Lower Marsh Conservation Area. It would cause less than substantial harm to the Conservation Area as a heritage asset. This harm is not outweighed by any public benefit, including the social benefit of providing new housing to meet a recognised housing need. The proposal is therefore contrary to policies in the National Planning Policy Framework, which seek to conserve and enhance the historic environment, and conflicts with the development plan and in particular Policies Q2, Q5, Q11 and Q22 of the LP, the CAS and Supplementary Planning Document: Building Alterations and Extensions, 2015 (SPD), which seek to ensure that new development, amongst other things, protects visual amenity, responds to the character of the host building, protects local distinctiveness and the character and appearance of conservation areas. I also find conflict with Policies 7.4, 7.8 and 7.9 of the London Plan, 2016 which seek to protect local character, provide high quality design, and conserve the significance of heritage assets.

Living conditions

11. Policy H5 of Lambeth Local Plan, 2015 requires new flatted developments, including conversions, to provide dual aspect accommodation, unless exceptional circumstances are demonstrated, and 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 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.
12. With the exception of the ground floor flat, where a small external terrace would be provided, it is clear that there are no opportunities within the proposed development to provide the future occupiers of the remaining five flats with any external amenity space. It is also clear that the proposed accommodation would not provide commensurate internal space to compensate of this omission. I recognise that there are local green spaces and parks close by, and these would provide a place for play and sitting out. I have also taken

² Paragraph 2.13, Conservation Area Statement for Lower Marsh Conservation Area, 2007

into consideration the appellant's willingness to make a contribution to improve the facilities within these open spaces. However, these areas would not provide any opportunity for future occupiers to enjoy the benefits that are derived from private or communal amenity areas, for example, to dry clothes, provide outside storage and soft landscaping.

13. Although some of the floor flats do not have a dual-aspect, their living and kitchen areas would be served by two good sized windows and overall I am satisfied that this accommodation would have an open aspect with good access to daylight and sunlight. The outlook for future occupiers of Flat 1 would be more enclosed. However, the small external terrace would provide future occupiers with the opportunity to sit out and for some soft landscaping. Despite the outlook being towards the boundary wall, I am satisfied that the windows and glazed doors in both the living and bedroom areas would provide the accommodation with adequate daylight and the outlook from the accommodation would not be oppressive.
14. Although I have found that future occupiers would have an acceptable outlook, I conclude that the proposed development would not provide acceptable living conditions for future occupiers, with particular regard to external amenity space. It would conflict with the development plan, and in particular with Policies Q1, Q2, H5 and H6 of the Local Plan 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 and externally, and provides external amenity space.

Cycle Storage

15. The proposal would provide cycle storage facilities within the ground floor entrance hall by providing a rack which would accommodate five cycles.
16. Policy Q13 of the Local Plan requires the provision of appropriate secure and covered cycle parking in accordance with the minimum standards set out in the London Plan. Table 6.3 provides the cycle parking minimum standards in the Parking Addendum to Chapter 6 of the London Plan, 2016. It would appear to me that to comply with these standards a minimum of ten cycle spaces should be provided, nine for the proposed residential accommodation and one for the commercial unit. However, the Council Officer's Report states that nine spaces would be required. Nevertheless, the proposed development would only provide space for the storage of five bicycles, which would be a significantly reduced number of spaces, even when considering the Council's requirement for nine spaces.
17. I have taken into consideration the availability of public cycle spaces nearby, and the location of the Transport of London Cycle Hire Bays. However, the standards set out in the London Plan are minimum standards and the cycles spaces need to be secure. The availability of cycle hire close by does not compensate for the absence of the secure, covered on site cycle storage facilities which are required to meet the needs of future occupiers.
18. I conclude that the proposed development would not make adequate provision for cycle storage. It would conflict with the development plan and in particular with Policies T1, T3 and Q13 of the Local Plan and Policy 6.9 of the London Plan which seek to ensure that new development provides suitable and adequate cycle storage facilities to promote sustainable modes of transport.

Other Matters

19. The Council are concerned that the location of the bin and recycling storage area would have a harmful effect on the living conditions of the occupiers of the ground floor flat by reason of noise, disturbance and odours. Although located close to entrance to this flat, there is an enclosed hallway between it and the living and bedroom accommodation. I do not consider that its position in the communal hallway next to the stairway, lift and cycle storage facilities would result in any material harm to the living conditions of future occupiers by reason of the noise or disturbance. Furthermore, I am satisfied that details of the final design and means of ventilation to prevent odours emitting from these storage facilities could be adequately dealt with by a condition.
20. The Council's seventh 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 appellant has stated that there would be no objections to the imposition of a condition to require this information to be provided. 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.
21. 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 provided a draft Unilateral Undertaking pursuant to Section 106 which contains obligations to secure the development as car free; however given my findings on the main issues, this is not a matter that I need to address.

Conclusion

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

Elizabeth Pleasant

INSPECTOR