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## Appeal Decision

Site visit made on 18 October 2017

**by Andy Harwood CMS MSc MRTPI**

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

**Decision date: 09 November 2017**

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**Appeal Ref: APP/N5660/W/17/3179802**  
**110 Greyhound Lane, London SW16 5RN**

- 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 B Marshall against the decision of the Council of the London Borough of Lambeth.
  - The application Ref 16/06342/FUL, dated 2 November 2016, was refused by notice dated 31 January 2017.
  - The development proposed is the subdivision of existing commercial unit on the ground floor to create 1 x studio flat including alterations to the front, side and rear elevation.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. Whether the living conditions of the prospective occupiers with respect to light and outlook as well as the layout of the proposed unit. The effect of the proposal upon carbon emissions.

### Reasons

#### *Living conditions*

3. The proposal would involve the creation of a flat on the ground floor of the premises, as well as the reconfiguration of the office which has a large 'shop' window facing Greyhound Lane.
4. The proposed flat would be of a reasonable size for studio accommodation at 46m<sup>2</sup> in area which the Council does not dispute, complies with national housing standards<sup>1</sup> for single person accommodation. The flat would be in an area of the building that is presently dark and dank, with little natural daylight. The internal layout would be changed with the removal of internal walls creating a largely open plan layout. This would enable the penetration of additional natural daylight via the proposed roof-lights that would be inserted over the roof of the extension as well as from other new windows including the new double glazed doors that open onto a small external area. To the rear of the site, the existing yard would be enlarged by the removal of the external toilet as well as the realignment of the building as proposed. The external area is also considered by the Council to be of sufficient size.

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<sup>1</sup> Technical Housing Standards – National Described Space Standard, March 2015

5. At the rear of the yard, directly on the boundary of the appeal site is a single storey building. Another building rises up higher a little further away from that boundary. These buildings provide a tight enclosure of the rear yard and a restriction upon daylight and direct sunlight. This degree of enclosure whilst providing some privacy would also significantly affect the outlook from the proposed rear glazing. There would be some outlook through the sky-lights but I consider the occupants of the unit would feel hemmed in by the surrounding structures. The internal and external areas would be affected by this oppressive impact of the surrounding buildings that would not be sufficiently improved through the positioning of hanging baskets or planters. The general daylight reaching inside the flat would still be limited. Furthermore, the external amenity area would not receive much direct sunlight for much of the day. It would not be an enjoyable place to sit out in my opinion and this would be made worse if the nearby activity and noisy ventilation systems at the rear of the adjoining shop are retained.
6. The layout of the proposed unit would include internal space for storage of cycles, refuse and recycling waste. This space is restricted and positioned close to the door of the proposed kitchen. The flat is however clearly designed to accommodate a single person who would have a limited amount of waste and recycling. Storing a single cycle in this space would appear to be feasible and practical subject to the agreement of further details.
7. The Council acknowledges that the proposal is an improvement upon the scheme previous dismissed at appeal but in my view, the accommodation is not adequate for the reasons set out above. The appellant has referred to how other developments such as basement flats are considered acceptable with restricted external space although I have limited information about those. I have reached my view on the information provided and my own view of the relationship of the site with adjoining buildings which would significantly impact upon the quality of the living environment. I do not consider that these inadequacies are off-set by exceeding the minimum internal space requirements which the Housing Supplementary Guidance supporting the London Plan<sup>2</sup> (LP) states can be an alternative, in exceptional circumstances. I do take into account the nature of the area and standards of housing nearby although have limited information about that. Furthermore, the LP Policy 3.5 seeks the highest quality internally, externally and in relation to the context and requires all new housing to enhance the quality of local places.
8. In relation to this main issue, the living conditions for prospective occupiers would not be adequate due to my concerns with the light and outlook. This would not comply with Policy Q2 of the Lambeth Local Plan<sup>3</sup> (LLP) which makes it clear that adequate outlook is required avoiding an undue sense of enclosure and also drawing attention to the need for adequate daylight and sunlight. The proposal would also not comply with LLP Policies H5 and H6 as well as LP Policy 3.5 or the requirement in paragraph 17 of the Framework to secure a good standard of amenity for all existing and future occupants of land and buildings.

### *Carbon emissions*

9. The Council's concern in relation to this matter is not an allegation of harm but

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<sup>2</sup> The London Plan, The Spatial Development Strategy for London, Consolidated with alterations since 2011, adopted March 2016

<sup>3</sup> Lambeth Local Plan, adopted September 2015

the lack of a report to confirm the credentials of the development. The proposal would involve a very small flat for a single person within an accessible part of London where the occupant is unlikely to have to rely upon the use of private vehicles. Modern standards would need to be adhered to in the construction process.

10. LLP Policy EN4 requires a demonstration of sustainability principles in any scale of development and although not demonstrated by the appellant, the occupation of a modern, very modest flat in this location would inherently lead to efficient living. In relation to the main issue, given that the proposed development is of such a small scale within a very restricted position, I consider that development would be unlikely to cause any significant impact upon carbon emissions or undermining of what these policies are trying to achieve. The lack of compliance with the procedural requirements of the policies does not significantly weigh against the proposal.

### **Other Matters**

11. Given my thoughts about the cycle storage as well as the accessibility of the location, the proposal would not lead to any significant private vehicle use or therefore impacts upon competition for parking spaces nearby. This would comply with LLP Policy T3. The additional dwelling and improvement to the office space would be a benefit of the proposal. However, these other matters and my conclusion on the second main issue do not outweigh my concerns regarding the nature of the living accommodation.

### **Conclusion**

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

*Andy Harwood*

INSPECTOR