
Appeal Decision

Site visit made on 20 November 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 18 December 2017

Appeal Ref: APP/N5660/W/17/3180315

Flat 3, 87 Gauden Road, Lambeth, London SW4 6LJ

- 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 Alex Browning against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 17/01544/FUL, dated 22 March 2017, was refused by notice dated 25 May 2017.
 - The development proposed is described as the creation of an additional flat by undertaking alterations to the existing Flat 3 at 87 Gauden Road and the construction of a loft conversion.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on highway safety having regard to parking on streets surrounding the appeal site;
 - whether the proposed flats would provide satisfactory living conditions for future occupiers having particular regard to private amenity space.

Reasons

Parking

3. Policy T6 of the Lambeth Local Plan September 2015 (LLP) states that planning applications will be supported where they do not have unacceptable transport impacts, including cumulative impacts on on-street parking. Policy T7 of the LLP states that development should be car-free, including permit-free, particularly in areas where alternative modes of transport are available and where public transport accessibility is high.
4. The appeal site is located in an area with very good public transport accessibility (PTAL score of 5) and is also within a controlled parking zone (CPZ). The appellant appears to accept that the proposal should be car-free but considers that the matter could be dealt with by the imposition of a suitably worded planning condition rather than by a Planning Obligation as suggested by the Council, though I note that the appellant would be willing to enter into an obligation if necessary.

5. Having regard to the appeal site location and to the submitted evidence, I am satisfied that the proposal should be a car-free development. I have had regard to the appellant's view that this could be achieved by the imposition of a suitably worded condition and to the draft condition suggested. However paragraph 010 of the national Planning Practice Guidance (PPG) states that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases and that only in exceptional circumstances should such conditions be used, none of which apply to the proposal.
6. Therefore taking the above matters into consideration and in the absence of a suitable mechanism to ensure that it is a car-free development, the proposal is likely to have an adverse impact on highway safety and the operation of the local transport network due to increased pressure on parking on the surrounding streets. It is therefore contrary to policies T1, T6 and T7 of the LLP. These policies seek, amongst other things, a sustainable pattern of development, development to not have unacceptable transport impacts and to be car-free in areas where public transport accessibility is high.

Living conditions

7. The appeal site comprises an existing second floor flat and loft space within a three storey mid terraced building. The existing flat does not have access to any private amenity space.
8. The proposal includes alterations to the existing flat together with a roof extension to the host building to form two one bedroom flats. Flat 3 would be a two storey, one bedroom flat with a floor area of 63 square metres and Flat 4 would be a single storey, one bedroom flat with a floor area of 45.1 square metres.
9. Policy H5 of the LLP relates to housing standards. Part (b)(ii) of the policy states that for new flatted developments communal amenity space of at least 50m² per scheme should be provided plus a further 10m² per flat either as a balcony/terrace/private garden or consolidated with the communal amenity space. Paragraph 5.24 of the LLP states that the amenity space standards apply to all new housing in Lambeth including conversions and change of use schemes where new dwellings are created.
10. Paragraph 5.26 of the LLP states that in exceptional circumstances, having regard to London Plan guidance, where it is demonstrated that site constraints make it impossible to provide private open space for all dwellings in flatted developments in line with the standards, the provision of additional internal living space equivalent to the amenity space requirement within a proportion of dwellings may be accepted.
11. The London Plan 2016 (LP) forms part of the development plan for the area. Policy 3.5 of the LP seeks high quality housing developments and compliance with the minimum space standards set out in Table 3.3 of the LP. These standards reflect the nationally described space standard (NDSS) and require a minimum gross internal area (GIA) of 37 square metres for a one bedroom, one person single storey flat with a shower room and 58 square metres for a one bedroom, two person two storey flat. Guidance on the implementation of Policy 3.5 of the LP is provided by the Mayor of London's Housing

Supplementary Planning Guidance March 2016 (Housing SPG). Standard 26 of the Housing SPG states that a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings. Paragraph 2.3.32 of the Housing SPG states that in exceptional circumstances, dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement.

12. The Council accepts that as the proposal relates to a conversion scheme, additional space could be provided internally to compensate for the fact that no external amenity space is proposed. The GIA of the proposed flats exceed the NDSS by 5 square metres in the case of Flat 3 and 8 square metres in the case of Flat 4 and meets the requirements for external amenity space as set out within the Housing SPG. Though it falls below the 10 square metres required by Policy H5 of the LLP, having regard to the fact that the proposal complies with the LP and the Housing SPG, documents that post-date the policies within the LLP and having regard to the particular layout and level of accommodation that would be provided by the flats, I am satisfied that future occupiers of the flats would have satisfactory living conditions.
13. My attention has been drawn by the Council to two appeal decisions where Inspectors have considered the issue of external amenity space for flats (Refs APP/N5660/W/16/3161509 and APP/N5660/W/17/3171007). However neither of these examples appears to be directly comparable to the proposal in that the accommodation proposed within the flats themselves does not appear to exceed the minimum space standards as is the case with the proposal. I have therefore attached limited weight to the examples referred to and in any event I must determine the proposal before me on its own merits.
14. Taking the above matters into consideration, I conclude that future occupiers of the flats would have satisfactory living conditions. Though the proposal would be contrary to part (b)(ii) of Policy H5 of the LLP, it would accord with Policy 3.5 of the LP and with the Housing SPG and would provide a high quality of accommodation as is required by LLP Policy H6. These policies seek, amongst other things, high quality housing developments which meet minimum space standards.

Other Matters

15. The Council raised no objections to the external alterations that formed part of the proposal. I have no reason to disagree with their findings on this issue and I note that the Council has recently granted planning permission for a mansard extension that I understand is similar to the one proposed (Ref 17/02743/FUL).
16. The proposal would utilise an existing building to provide an additional unit of residential accommodation in a highly accessible location with good access to a wide range of services and facilities. However these benefit would not overcome the harm that I have identified to the local transport network.

Conclusion

17. Future occupiers of the flats would have satisfactory living conditions. However in the absence of a suitable mechanism to ensure that it is a car-free development, the proposal is likely to have an adverse impact on highway safety and the operation of the local transport network due to increased

pressure on parking on the surrounding streets. The proposal is therefore contrary to the development plan when taken as a whole.

18. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR