The Planning Inspectorate

Appeal Decision

Site visit made on 10 December 2018

by Mike Worden BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2019

Appeal Ref: APP/N5660/W/18/3204619
156 Acre Lane, London, SW2 5UT

- 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 Sanjay Patel against the decision of the Council of the London Borough of Lambeth.
- The application Ref 17/04995/FUL, dated 12 October 2017, was refused by notice dated 12 December 2017.
- The development proposed is three storey single family dwelling with three bedrooms.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Sanjay Patel against the Council of the London Borough of Lambeth. This application is the subject of a separate Decision.

Procedural Matter

3. The proposed development is described on the application form as: *a three storey single family dwelling with three bedrooms*. The proposed dwelling as shown on the submitted plans is however part two storey and part single storey and has two bedrooms. This is also the description of the proposed development on the appeal form and decision notice. I have had regard to the plans in reaching my decision.

Main Issues

4. The main issues are:

    - the effect of the proposed development on the character and appearance of the area;
    - the effect of the proposed development on the living conditions of future occupants with particular regard to internal living space, external amenity space and the fear of crime; and,
    - the effect of the proposed development on parking provision in the local area.

Reasons

Character and appearance

5. The appeal site is comprised of a small yard and outbuildings to the rear of a commercial building on the corner of Acre Lane and Plato Road. The appeal site is accessed from Plato Road. Acre Lane is characterised by commercial and retail units at ground floor whist Plato Road consists of mainly residential two storey properties in two long terraces either side of the road. Directly opposite the appeal site entrance on Plato Road however is a small motor vehicle repair garage and workshop.

6. The proposed development is to erect a part single storey and part two storey house which would adjoin the terrace on Plato Road. The single storey element would be at the front of the property and the two storey part behind. The ground floor would incorporate living, kitchen and dining areas together with a WC and the first floor would accommodate two bedrooms and a bathroom. The proposed dwelling would be flat roofed. It would incorporate a photovoltaic array at first floor level above the single storey part at the front of the proposed dwelling. The angle of photovoltaic array, which would extend for the full width of the proposed dwelling, could altered mechanically. The proposed development would incorporate a garden to the rear.

7. There is an existing pattern and rhythm to the terraces on Plato Road. The terraces are of generally equal height, maintain a generally consistent building line, have front gardens of similar depth and incorporate bay windows at ground floor and triple decorative windows at first floor level. The terrace on the appeal site side extends further towards Acre Lane than on the other side and the gap between the end property and the corner property is considerably narrower.

8. Whilst the appellant has reduced the scale of the proposed dwelling from that of a previous scheme which was refused by the Council, I consider that the current proposal with its flat roof form and photovoltaic array on the front elevation, would look incongruous in the streetscene. I have had regard to the ability of households in the street to place solar panels on their roof, but I consider that the proposal would introduce an array at first floor level and close to the pavement, which I consider would dominate and conflict with the appearance of the street.

9. I consider that the proposal would unacceptably disrupt the established pattern and rhythm of the Plato Road terrace and would cause significant harm to the character and appearance of the terraces and of the streetscene in Plato Road. This would be contrary to Policy Q5 of *the Lambeth Local Plan* 2015 (the Local Plan) which seeks to sustain and reinforce local distinctiveness; Policies Q6 and Q7 of the Local Plan which seek to secure good urban design; and Policy Q8 of the Local Plan which seeks to ensure design quality and construction detailing.

Living Conditions

10. The Technical Housing Standards – Nationally Described Space Standard (the NDSS) requires that two bedroomed properties should have a minimum built in storage area of 2sqm. The appellant states that there would be a storage cupboard under the stairs, and that this is shown on the plans. Both parties agree that the dwelling would otherwise exceed the minimum space

requirements of the NDSS. Whilst I do not have details or size of the storage area under the stairs, given that the minimum floorspace requirements of the NDSS would be met, I consider that the proposed dwelling would overall provide an acceptable level of internal living space and accord with Policy H5 of the Local Plan which sets out housing standards.

11. The proposal would provide for 29.1 sqm of external amenity space in the rear garden. Policy H5 (b) of the Local Plan requires that each dwelling should have a minimum of 30sqm of such space. However, the shortfall is very small, and I consider that given that there would be some, albeit limited, space at the front of the property, and recognising that this would not be private, that the proposal would meet the requirements of Policy H5 (b) of the Local Plan.

12. Policy Q3 of the Local Plan seeks, amongst other things, to ensure that development designs out opportunities for crime, anti-social behaviour and the fear of crime. The proposed development would have a main access door at the side of the property. However it would not be very far into the site as it would be located next to the living room and before the proposed return which would accommodate the stairs and the kitchen. I consider that it would be visible from the street. Given the shape of the proposed house and its location on the plot, I consider that the entrance door would not be likely to lead to a fear of crime from the future occupants or those who would visit the property. Furthermore, if I were to allow the appeal, I could impose a condition to secure appropriate lighting. I conclude that the proposal would accord with Policy Q3 of the Local Plan.

13. For the reasons set out above, I consider that the proposed development would not cause harm to the living conditions of future occupants with regard to internal living space, external amenity space or the fear of crime, and would accord with Policies H5 and Q3 of the Local Plan.

Car parking

14. The appeal site is within a controlled parking zone where car parking is restricted to permit holders during the daytime Monday to Friday. The proposal does not provide any off street parking space. The appellant has provided extracts from Google Streetview which he suggests indicate that parking pressure along Plato Road is not particularly acute. From my observations, and from the information submitted by a local resident, there would appear to be significant parking pressure within Plato Road. A local resident has submitted evidence of vehicles parking on the restricted area in front of the appeal site and that was also the case at the time of my site visit.

15. The appeal site has a PTAL rating of 5 which is considered to be very good and residents would be expected to use public transport. In accordance with Policy T7 of the Local Plan, which sets out requirements for parking, development in such areas should be car free. However, I have no mechanism before me to ensure that the future occupants do not receive parking permits to park within the controlled parking zone, adding to the pressure within it. Having regard to the Framework and Planning Practice Guidance, I consider that the imposition of a condition would not be an appropriate mechanism in this case, and the evidence before me would not amount to exceptional circumstances to justify the use of a condition. The appellant does not consider that restricting the ability of future occupants to apply for resident's permits is fair and considers that there is sufficient parking on the street or neighbouring streets.

16. From my observations, and from the evidence submitted to me, I consider that there is significant parking pressure on Plato Road and in the absence of a legal mechanism before me to restrict the ability of future occupants to apply for car parking permits, I consider that the proposal would be unreasonably add to the parking pressure on on-street spaces on Plato Road and would be contrary to Policy T7 of the Local Plan; Policy T6 of the Local Plan which seeks to assess the impact of development proposals on transport capacity and infrastructure; and Policy T1 of the Local Plan which seeks to secure opportunities for sustainable travel.

Other matters

17. Policy H2 (a) (ii) of the Local Plan seeks to secure the delivery of the maximum amount of affordable housing in the borough. It states that on sites of fewer than 10 dwellings, a financial contribution towards the delivery of off-site affordable housing will be sought. The Local Plan is part of the development plan and Section 38 (6) of the Planning and Compulsory Purchase Act provides that decisions should be taken in accordance with the development plan unless material considerations indicate otherwise.

18. Paragraph 63 of the National Planning Policy Framework (the Framework) states that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. The Framework defines major developments for housing as either 10 or more units or a site of more than 0.5 hectare. The proposed development is not a major development. Policy H2 (a) (ii) of the Local Plan is not therefore in accordance with the Framework.

19. I understand that there is a significant need for affordable housing in the borough, and the contribution of small developments to housing supply is particularly important given the dense urban nature of the borough. However, the Framework is a material consideration on which I place significant weight. I therefore consider that such a contribution would not be necessary to make the scheme acceptable in planning terms, having regard to the Framework and the significant weight I have attached to Paragraph 63 of it.

Conclusion

20. Whilst I have found that the proposed development would not harm the living conditions of future occupants, nor would require a contribution to be made for off-site housing having placed significant weight on the Framework as a material consideration, I have found that it would cause significant harm to the character and appearance of the area and would cause undue pressure on car parking within the street.

21. I have had regard to the additional housing unit which would be created and the brownfield and used nature of the site. However these considerations do not outweigh the harm which I have found.

22. For the reasons given above I conclude that the appeal should be dismissed.

Mike Worden

INSPECTOR