



Appeal Decision

Site visit made on 26 June 2019

by A McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2019

Appeal Ref: APP/N5660/W/18/3216967

2 Dryden Court, Renfrew Road, Lambeth, London SE11 4NH

- 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 Ms L Heap against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 18//04107/FUL, dated 24 September 2018, was refused by notice dated 16 November 2018.
 - The development proposed is conversion of garage to habitable room and other internal alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the host property and the surrounding area; and
 - whether the submitted details within the flood risk assessment are sufficient to demonstrate that the proposal would be acceptable in terms of flood risk.

Reasons

Character and appearance

3. The appeal relates to a scheme to convert an existing garage into a habitable living space which would incorporate the removal of a solid garage door and installation of a window. The residential complex at Dryden Court, of which the host property forms a part, was previously converted from a complex of retail units. Similar to its neighbouring properties, the host property benefits from a basement which was used as an ancillary store for the previous retail units and now forms a domestic garage with storage areas.
4. The garage and store, the subject of this appeal, are at lower ground floor level and the immediate surrounding area is characterised as a service area and access road to several garages within a residential setting. I note that there are no other established residential uses within any other garages at lower ground floor level in the residential block fronting the service area and access road. However, there is residential use at lower ground level within a separate building on the opposite side of the service area and access road to the appeal property. This appears as a set of glazed bi-folding doors.

5. Policy Q5 of the Lambeth Local Plan 2015 (LP) states that proposed developments are supported where design is in response to positive aspects of the local context and character in terms of, amongst other matters, patterns of space, built form and materials. Policy Q8 of the LP explains that the Council will resist value engineering approaches that dilute the design quality and integrity of approved schemes and their surroundings and will seek construction detailing in proposals that is unified, visually attractive, robust and maintenance free.
6. Policy Q11(a) of the LP expects proposals to respond positively to the original detailing of the host building and other locally distinct features and form and seeks to ensure that these features are retained. Part (b) of the Policy states that subordination will be a key consideration when assessing proposals for extensions.
7. From the evidence and what I have seen, whilst other garages in the wider area have been converted to residential use, no other garages within the Dryden Court residential complex have been. Moreover, whilst the proposed window would be of a width and proportion similar to the existing solid garage door, I find that it would disrupt the design and appearance provided by the series of garage doors along the service area and access road. This is a distinctive feature of the Dryden Court building and provides a regular, consistent and cohesive visual appearance to the host property and its adjoining properties. As a result, the introduction of the replacement window would appear incongruous and would visually disrupt this cohesive and regular appearance of the garages at lower ground floor level.
8. The appellant argues that the local distinctiveness of the area is defined by the elevated nature of the former shop premises and its two-storey form. As such, it is stated that the proposal would not alter the overall fabric of the building to such a degree as to result in a loss of that local distinctiveness. Furthermore, it is claimed that the architectural detailing, built form and prevailing pattern of development in the locality would remain intact and that the proposal would also meet the guidance for basement conversions within the Council's 'Buildings and Alterations and Extensions' Supplementary Planning Document (the SPD).
9. The overall structure of the host building would not be substantively altered by the proposal. However, it is the change to the cohesive and regular appearance of the building, particularly at lower ground floor level, which would result in the proposed scheme causing material harm to the character and appearance of the host property and its immediate surroundings when viewed in its context. Moreover, I find that the proposal would adversely impact the consistent appearance of the adjacent properties as a whole.
10. There are examples of garage conversions in the local area around the appeal site, most notably the property opposite the appeal site and I have given due consideration to these. However, I find that these have all taken place within a different context to the appeal proposal. These other conversions are mostly within active street frontages where a number of properties have been converted in a similar way. Moreover, the character and appearance of the street scene in those cases is principally residential and the visual impact of the conversions is not as marked as would be the case with the proposed scheme.
11. In the case of the conversion near to and opposite the appeal site, I find that it has a limited impact on the character and appearance of its surroundings, taking account of its context and position within its host building. As such, its visual impact is limited as a stand conversion. Furthermore, it relates to an entirely separate building from Dryden Court and as such, its visual impact is limited as a stand-alone conversion. The proposed scheme would differ in that it would be

highly visible and would appear incongruous to its context in terms of the wider Dryden Court building.

12. Consequently, having taken all relevant matters before me into account, I conclude that the proposed development would have a significant detrimental effect on the character and appearance of the host property and its immediate surrounding area. It would, therefore, be contrary to Policies Q5, Q8 and Q11 of the LP and the relevant guidance set out in the Council's SPD.

Flood Risk

13. Policy EN5 of the LP seeks to minimise the impact of flooding and states that a flood risk assessment (FRA) is required for all development within Flood Zones 2, 3a and 3b or where development may be subject to other sources of flooding.
14. The appeal site is within Flood Zone 3 and therefore a FRA was submitted by the appellant in support of the application. It is noted that the site is considered to be in an area of 'high risk' for flooding but does benefit from flood defences related to the Thames Tidal Defence. Notwithstanding this, the proposed scheme is considered to be 'more vulnerable' because of its residential nature. Moreover, I note the Council argues that where development is unavoidable, as part of overall regeneration plans or growth plans, the most acceptable method of mitigating flood risk is to ensure that habitable floor levels are raised above the maximum flood water level.
15. The Environment Agency (EA) were consulted by the Council and as a result, the EA objected due to the submitted FRA failing to state the relevant modelled flood levels or the finished floor levels for the proposal. In addition, I note that the FRA does not demonstrate that the finished floor levels for all sleeping accommodation are above the maximum flood level. As a result, I find the inadequate data provided within the FRA to be insufficient to appropriately assess the proposal in terms of the risk of flooding to current and future occupiers of the host property.
16. The appellant states the FRA concludes that existing flood defences are in place and recommends that the occupier of the property registers with a flood warning scheme and that a flood resistant exterior door is provided. Moreover, it is noted that the appellant is willing to undertake these measures and that these could be secured through suitably worded planning conditions.
17. In my view, I appreciate that the FRA recommendations can be undertaken by the appellant and that such measures could be the subject of conditions. Nonetheless, from what is before me, I find that the submitted FRA is lacking in the fundamental floor level information sought by relevant Council policy and the EA. Therefore, notwithstanding the other measures, without this basic information, a full and reasonable assessment of the proposal against flood risk cannot be completed. As a result, I find that the Council was correct to refuse the scheme with regard to flood risk on the basis of insufficient data provided within the FRA.
18. Consequently, I conclude that the proposal has not provided sufficient evidence to demonstrate that appropriate and acceptable mitigation against the risk of flooding can be provided. Accordingly, it would be contrary to Policy EN5 of the LP.

Other Matters

19. I have had due regard to the personal statement submitted by the appellant in support of the proposed scheme. In doing so, I note that the proposal would bring benefits in terms of increased living accommodation for the appellant and their family and the ability to remain in the locality. Whilst I appreciate this and the

positive impact that the proposal would have on the appellant's circumstances, I find that these matters are not so significant or of sufficient weight to justify the proposed scheme.

Conclusion

20. The proposed development would have benefit in terms of increasing the amount of living accommodation available to the appellant and their family at the property. It is also acknowledged that the proposal would have a limited impact on the character and appearance of the wider locality. Notwithstanding this, having taken all matters before me into consideration, I find that the benefits of the proposal, when considered individually and cumulatively, would not be of such significance or weight to overcome the material harm to the character and appearance of the immediate area and the potential risks relating to flooding which I have identified.
21. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A McCormack

INSPECTOR