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## Appeal Decisions

Site visit made on 2 July 2019

**by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 July 2019**

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**Appeal A: Appeal Ref: APP/N5660/W/19/3224817  
12 Conyers Road, London SW16 6LT**

- 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 Martali Management Ltd against the decision of the Council of the London Borough of Lambeth.
  - The application Ref 18/05521/FUL, dated 21 December 2018, was refused by notice dated 18 February 2019.
  - The development proposed is conversion of the property into 8 self contained flats, involving the erection of part single /part two storey rear and side extension including making the existing basement into habitable rooms, together with erection of a rear roof extension with 2 dormers plus the provision of refuse and cycle stores and other associated alterations.
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**Appeal B: Appeal Ref: APP/N5660/W/19/3224818  
12 Conyers Road, London SW16 6LT**

- 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 Martali Management Ltd against the decision of the Council of the London Borough of Lambeth.
  - The application Ref 18/05531/FUL, dated 21 December 2018, was refused by notice dated 25 February 2019.
  - The development proposed is erection of a part single/ part two storey rear extension, erection of a two storey side extension; provision of two tiled gable dormers to the rear roof slope; and division of existing 3 flats to provide a total of 8 self-contained flats.
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### Decision

**Appeal A Appeal Ref: APP/N5660/W/19/3224817**

1. The appeal is dismissed.

**Appeal B Appeal Ref: APP/N5660/W/19/3224818**

2. The appeal is dismissed.

### Applications for Costs

3. Applications for costs were made by Martali Management Ltd against the Council of the London Borough of Lambeth. These applications are the subject of separate Decisions.

## **Procedural Matters**

4. The descriptions of the development provided on the planning application forms have been replaced by fuller versions on the decision notices and in subsequent appeal documents. I also note that in respect of Appeal A the appellants confirm in Part E of the appeal form that the description of development has changed. I consider the subsequent descriptions to be usefully more comprehensive and I have therefore used them within this decision.
5. At my site visit I saw that a development on the site had commenced. However, I note that planning permission has previously been granted for a development providing seven flats which included extensions<sup>1</sup>. It is therefore reasonable to assume that the works I saw related to this previous permission and that the developments proposed in the appeals before me have not commenced.
6. The appellants have submitted a unilateral undertaking (UU) for each of the appeals limiting parking permits to three of the eight units as well as making a contribution towards a controlled parking zone and the provision of a car club bay and membership for all residents. I have had regard to these in my consideration of these appeals.
7. With regard to Appeal B, the Council confirms in its Statement of Case that its second reason for refusal should refer to 14 Conyers Road, not 10 Conyers Road. The appellants have had the opportunity to comment on this error. I have proceeded to determine this appeal on the basis that this reason for refusal relates to No 14.

## **Main Issues**

8. The main issues in these appeals are:
  - Whether the proposal would provide a balanced and appropriate housing mix (both Appeals);
  - The effect of the proposal on the character and appearance of the host property and the outlook from a neighbouring property (Appeal B only); and
  - Whether the proposal would promote sustainable methods of transport and increase parking pressure in the area (both Appeals).

## **Reasons**

### *Housing Mix*

9. Both appeal proposals would provide 8 flats which the Council considers would not be made up of a balanced mix of accommodation. The Council's concerns stem from the number of single person 1 bedroom flats, which would represent approximately 60% of the units for Appeal A and 50% for Appeal B. The Council's reasons for refusal refer to policy H4 of the Lambeth Local Plan 2014 (the Local Plan) which requires developments of the type proposed to provide a balanced mix of unit sizes.
10. In support of its stance in relation to the mix of housing, the Council refers to the South West London Strategic Housing Market Assessment 2011 (SHMA)

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<sup>1</sup> Application ref: 18/03858/FUL

which recommends a mix of housing including 1-2 bedroom flats as well as 2+ bedroom houses. As referred to by the appellant, it would be unreasonable for a development of this type to be required to provide houses. However, I consider that it is reasonable to expect this development to provide a mix of units and a range of occupancy which reflects the preferred dwelling mix set out in the Local Plan. Due to the number of single person 1 bedroom flats I consider that the proposals would not do this. I am also mindful that the extant planning permission for the site would provide a more balanced mix, with only 2 of the proposed 7 units being for single person 1 bedroom flats.

11. The council emphasises that higher density small units are more appropriate in an urban setting. The appeal site is located in a suburban area characterised by larger residential properties and the supporting text for Policy H4 states that location will be considered as well as the achievement of mixed and balanced communities. Within this context, I consider that the proportion of single occupancy dwellings which would result from both proposals would not integrate well into this suburban setting.
12. The appellants refer to Policy H6 of the Local Plan which deals specifically with residential conversions, although I note that Policy H4 also states that it includes conversions. Therefore, whilst the proposals may comply with Policy H6 with regards to providing a family sized home at ground floor level and a mix of unit sizes, the balanced mix considerations of Policy H4 also apply.
13. I conclude that the proposed numbers of single person 1 bedroom flats would not provide a balanced housing mix and would also not be appropriate for this suburban location. The proposals would therefore not comply with Policy H4 of the Local Plan with regards to providing a balanced mix of unit sizes.

#### *Character, Appearance and Outlook*

14. The proposed two-storey rear extension in Appeal B would project a significant distance to the rear beyond the main rear wall of the house. The rear extension would create a significant box-like structure projecting to the rear. Although it would be set below the eaves of the roof and would take up less than half of the rear elevation, it would be of a scale and bulk which would be obtrusive and overdominant in views of the rear of the building. The unsympathetic flat roof design at first floor level would add to this incongruous appearance. I saw that the rear extension would be visible from nearby properties, and I also saw that it would be visible from Mitcham Lane, albeit with a degree of screening from trees. The use of matching materials and windows of a reduced size would not mitigate the harm arising from the scale and design of the extension.
15. The Council also express concern that the extensions to the side would contribute to the overdominance of the proposal and may lead to a terracing effect with adjacent dwellings. However, the side extensions would be set significantly lower than the ridge of the main roof of the building and would have a clear subservient appearance.
16. I saw that there was no clearly defined rhythm within this street scene as the gap between buildings and their design varies. Whilst the side extensions would reduce the gap with the adjacent building, a gap would be retained to the site boundary which would mitigate a potential terracing effect. The side extensions are also set back from the front elevation so that they would not be

readily apparent in views along Conyers Road. That said, I saw that the appeal site is in a sensitive location opposite a junction which enables longer distance views from Babington Road of the relationship of the site with adjacent properties. However, even within this sensitive context, the proposed set back from the boundary and subservient design would mean that the side extensions would have an acceptable visual impact.

17. Due to the bulk and massing of the proposal as well as the arrangement and proximity of 14 Conyers Road, the rear extension would also have an overbearing and enclosing effect on the rear elevation and part of the rear amenity area of No 14. Although it would be set back from the boundary with No 14, this would not mitigate the harm to the adjacent property. I am mindful that the extant consent at the site also includes an extension to the rear. However, the appeal proposal would increase the massing of the extension at first floor level with commensurate harm to the outlook from No 14.
18. I note that the Daylight, Sunlight and Overshadowing Report submitted by the appellants concludes that the proposal would not impact significantly on surrounding gardens or windows in respect of daylight or sunlight. I am also mindful that the building is not listed or in a conservation area. However, these matters do not lead me to a different conclusion in respect of the obtrusive design or the unneighbourly effect on the outlook from No 14.
19. Notwithstanding my comments in relation to the side extensions, I conclude that the two storey rear extension proposed in Appeal B would harm the character and appearance of the host building and the outlook from No 14. The proposal would therefore be contrary to Policies Q2, Q5 and Q11 of the Local Plan with regards to matters of amenity and local distinctiveness when considering proposals for extensions.

#### *Sustainable Transport and Parking*

20. As part of the appeal process, the appellants have submitted UU's which address many of the Council's concerns with respect to sustainable transport. Having regard to the UU's, the crux of this main issue is whether all of the units within the proposals should be controlled as being car permit free. The appellants contend that as the site prior to development consisted of 3 residential units, then the restrictions in respect of car permits should be limited to the 5 extra units that would result from the proposals. In any event, they also contend that evidence from a Parking Technical Report shows that the proposal would not have a material impact on parking stress levels.
21. I acknowledge that the proposals would result in the reconfiguring of accommodation at the site and that it could be argued that the proposal relates to 8 new units. However, in my view the Council should have given greater weight to the number of units which existed on the site prior to development. The appellants also emphasise that Policy H6 of the Local Plan states that no additional parking permits will be issued to any occupiers of additional housing units created through conversions in areas of high parking stress. I have also had regard to an appeal decision<sup>2</sup> at Clapham Road elsewhere in the Borough which related to a substantially similar issue and which concluded that this

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<sup>2</sup> APP/N5660/W/3208475

approach is not fairly and reasonably related in scale and kind to the development.

22. Based on the evidence before me, including the Council's own policies, it would be disproportionate and unnecessary to require all of the units to be car free considering the effect on car parking arising from the original site. Having regard to the UU's submitted by the appellants, any material harm which may arise from the proposals with regard to parking pressure has been addressed. The proposals would therefore not conflict with Policies T1, T6 and T7 of the Local Plan with regards to sustainable travel and car parking.

### **Other Matters**

23. The proposals would contribute to the supply of housing in the area and I note that Policy H1 of the Local Plan seeks to maximise the supply of additional homes in the Borough. I have also had regard to the Draft London Plan - Consolidated Suggested Changes Version 2019 (CDLP) which refers to increasing the rate of housing delivery from small sites as a strategic priority. I also note that the CDLP refers to a presumption in favour of small housing development which should be approved unless it can be demonstrated that the development would give rise to an unacceptable level of harm that outweighs the benefits of additional housing provision.
24. However, I am mindful that both appeal proposals would only provide 1 extra flat compared to the extant planning permission for the site. Even within the context of an identified shortfall of 1 and 2-bedroom homes<sup>3</sup>, the benefits that would arise from an extra flat would be limited and would not outweigh the more substantial harm arising from the inappropriate mix of unit size and occupancy which would result from both proposals and the conflict with adopted development plan policy; as well as the harm arising from the rear extension in Appeal B.
25. I have had regard to the cumulative effect that may arise if such a reduction in numbers applied to all small sites, but I am mindful that increased numbers of smaller flats may be supplied in more appropriate urban locations.

### **Conclusion**

26. Notwithstanding my conclusions with regards to sustainable transport and parking, I conclude that the proposals would lead to harm to the housing mix of the area and in respect of Appeal B to character and appearance as well as the outlook from a neighbouring property. The proposals would therefore conflict with the development plan as a whole in respect of providing a balanced housing mix and, in relation to Appeal B, to amenity and local distinctiveness. The limited benefits to housing supply would not outweigh the identified harm.
27. For the reasons given above, and taking account of all material planning considerations, I conclude that both Appeal A and Appeal B should be dismissed.

*David Cross*

INSPECTOR

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<sup>3</sup> as identified in Lambeth's Housing Topic paper 2013