
Appeal Decision

Site visit made on 10 May 2019

by Rebecca McAndrew BA Hons, PG Dip Urban Design, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2019

Appeal Ref: APP/N5660/W/18/3217432

156 Larkhall Quarter, Edgeley Road, London SW4 6HB

- 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 Padraig Hickey against London Borough of Lambeth.
 - The application Ref 18/03331/FUL, dated 1 August 2018, was refused by notice dated 29 October 2018.
 - The development proposed is Alterations & Change of Use of Existing B1 mixed use office to 2x C3 residential dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether or not the scheme would provide satisfactory living conditions for future occupiers, with particular regard to living space and outlook; and
 - Whether the proposed loss of employment floorspace is acceptable.

Reasons

Living conditions

3. The layout plans show that the proposed larger unit would include 2 bedrooms which would both be capable of accommodating double beds. On this basis, in terms of the space standards set out in Policy 3.5 of the London Plan (2016), it is reasonable to consider this to be a 2 bedroom / 4 person unit. I note that the Council and the appellant do not agree on the gross internal floor area of this unit. However, in any event, both figures fall short of the minimum space standard for this type of property. Consequently, the scheme would offer cramped and substandard living accommodation for future residents of this flat.
4. The one bedroom unit would provide accommodation solely at basement level. Whilst I note that the dwelling would benefit from an acceptable level of daylight and sunlight, the outlook from this accommodation would be limited. The scheme would provide windows in only one aspect, which would have direct views onto an existing retaining wall to the railway sidings. This wall comes within 1 metre of the windows and extends almost their full height. In addition, at the time of my site visit in May, there was extensive vegetation atop this structure, which would further obstruct views out of the property.

This arrangement would create a sense of oppression in the proposed basement dwelling. I note that the living area would include a double height light well. However, whilst this would allow additional light to enter this space, it would do little to improve the outlook from this property. In view of this, the scheme would not provide a satisfactory standard of outlook for this property.

5. In view of the above, I conclude that the living conditions of the future occupiers would be unacceptable and that the proposal would therefore be contrary to Policies H5 and H6 of Lambeth Local Plan (2015) (LLP) and London Plan (2016) Policy 3.5 which seek to ensure that new residential accommodation provides high quality accommodation.

Loss of employment floorspace

6. Extensive information has been submitted by the appellant regarding the marketing of the site. This includes for example, instructions to a commercial agent to market the property, invoices for and photos of sale / letting boards, evidence of social media marketing and details of enquiries received for a period of over a year. Whilst I note the concerns of the Council, on the basis of the information before me, I am satisfied that the property has been vacant and continuously marketed for a B1 use for over a year, as required by LLP Policy ED2.
7. I note the Council's concerns that no evidence has been submitted to demonstrate that the property has been marketed for other uses which fall within Class B of the Use Classes Order. However, given the appeal site is located within a mixed use building comprising offices and residential and is in a predominantly residential area, it would not be appropriate to introduce a B2 general industry or a B8 warehousing use into this location. Therefore, marketing on this basis would not be appropriate.
8. In view of the above, I conclude that the proposal meets the requirements of LLP Policy ED2 and the proposed loss of employment floorspace is acceptable.

Conclusion

9. Whilst I find the proposed loss of B1 floorspace to be acceptable, this would not be sufficient to outweigh the significant harm to the living conditions of future occupiers of the proposed dwellings. Therefore, the proposal conflicts with the development plan as a whole and I conclude the appeal should be dismissed.

Rebecca McAndrew

INSPECTOR