

Appeal Decision

Site visit made on 9 August 2019

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 16 September 2019

Appeal Reference: APP/N5660/W/19/3228614

Land at 80A Edgeley Lane, Clapham North, London SW4 7UW

- 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 R Gill against the decision of the London Borough of Lambeth Council.
 - The application (reference 18/02818/FUL, dated 28 November 2018) was refused by notice dated 1 February 2019.
 - The development proposed is described in the application form as "conversion of existing residential unit into two separate residential units".
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Decision

1. The appeal is dismissed.

Main issues

2. There are several main issues to be considered in this appeal. The first is the effect of the proposed development on the character and appearance of the surroundings, in the Clapham High Street Conservation Area. The second is the effect of the proposed development on the quality of life of neighbours (whether unacceptable harm would be caused by overbearing appearance, overshadowing or loss of privacy). The third is whether the scheme would provide satisfactory living conditions for occupiers of the proposed new residential units. The fourth is the effect of the proposed development on the supply of family housing in the locality. Finally, it is necessary to consider whether the scheme would accommodate the need to prevent unnecessary congestion due to on-street parking and the need to provide for affordable housing in the Borough.

Reasons

3. Clapham High Street is a busy thoroughfare, with a range of commercial premises along the frontages. It also has an historic character and is at the heart of the Clapham High Street Conservation Area.
4. Edgeley Lane runs behind the High Street and is a narrow lane that gives access to buildings that face the High Street, as well as to other properties on the opposite side of the lane. Visually, the lane is closely constricted, with buildings or boundary walls along the site boundaries, adjacent to the roadway.

Larger buildings that face Clapham High Street back on to the lane and, at the far end of the lane, the streetscene is dominated by a very high block of flats with a contemporary appearance (which lies just outside the Conservation Area).

5. Number 80A Edgeley Lane is an independent unit at the rear of a shop that faces Clapham High Street. The shop has an emergency escape at the rear but the appeal building itself has only a single aspect, with access from Edgeley Lane. The building comprises a useful four-bedroom family house, with a secluded garden in front of the house, bounded by a high wall. A large building adjoins the side boundary of the site, to the south-west, with the multi-storey block opposite, across Edgeley Lane.
6. The proposed development would involve the construction of an extension into the garden area together with the conversion and adaptation of the building to form two flats.
7. Policies Q2, Q5 and Q11 in the 'Lambeth Local Plan' (which was adopted in 2015) are aimed at achieving good standards of design in the built environment, while Policy Q22 is concerned with design implications in conservation areas specifically. Policies H4 and H6 relate to certain housing issues, including the protection of existing family-sized units and ensuring that good living conditions are achieved.
8. The Council's 'Building Alterations & Extensions Supplementary Planning Document' (dated 2015) does not have the same force as policies in the Development Plan but it is a material consideration nonetheless and it, too, is intended to promote good design and to protect the living conditions of existing neighbours as well as new residents.
9. The 'National Planning Policy Framework' (which was revised in February 2019) also emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, which includes protecting existing residential amenities and providing good standards of accommodation.
10. Section 16 of the 'Framework' emphasises the importance of conserving and enhancing the historic environment, reflecting provisions in the Planning (Listed Buildings and Conservation Areas) Act 1990 which impose obligations on those considering whether to grant planning permission for development that would affect a conservation area. In such cases, decision makers are required to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas affected by development proposals.
11. The proposed extension to number 80A Edgeley Lane would be constructed of brickwork in keeping with its surroundings. The design of the proposed first floor balcony has been criticised but, in itself, it would not be so awkward that it could not be allowed. Nevertheless, the proposed extension would take up a significant proportion of the existing garden, eroding the remaining open character of this part of the lane, and it would be constructed as a simple block, rather tall to accommodate floor levels, that would have a clumsy appearance. Thus, the additional building bulk and the form of the extension

- would, inevitably, have an adverse impact on the character and appearance of the Conservation Area.
12. It must be acknowledged that the streetscene along Edgeley Lane has already been damaged by various unsatisfactory constructions along the frontages, as well as by a lack of maintenance in other cases. Nevertheless, the intrusive nature of the bulky extension would add to the visual harm. Thus, the proposed development would harm the character and appearance of the surroundings, in the Clapham High Street Conservation Area, and is unacceptable in planning terms.
 13. The proposed extension would be set back from the side boundary with number 78 Edgeley Lane and, in spite of its bulky nature, would thus not cause unacceptable harm to the residential amenities of its neighbour as an overbearing structure. The main part of the buildings, facing Clapham High Street, stand to the south of the garden at number 80A and its neighbours, which are shaded by the larger buildings. In consequence, the extension would not significantly worsen the overshadowing.
 14. It has also been argued that the extension would cause a loss of privacy at number 78 but the proposed side windows in the elevated ground floor of the extension would be less intrusive, in terms of privacy, than many other windows in the surrounding area that already overlook the property.
 15. In short, the proposed development would not have an undue impact on the quality of life of people living at number 78 Edgeley Lane, either by overbearing appearance, overshadowing or loss of privacy.
 16. The proposed development would provide two useful dwellings and, although the proposed first floor double bedroom would appear to breach the 'Technical housing standards – nationally described housing standards' on floor space standards (depending on the inclusion or not of the area of the stair), the new homes would be reasonably spacious in feeling. Their garden spaces would be substandard, however, and this consideration must weigh in the balance against the development, though it might not be sufficient alone to justify a refusal of planning permission, if there were no other objections.
 17. The proposed new units would, evidently, be created at the expense of losing a family-sized unit that would no longer be available in the housing market. The Local Plan has a specific aim of protecting family dwellings in Lambeth and the scheme would clearly be in breach of Policy H4. The loss of the family-sized unit would be unacceptable in the context of the relevant Development Plan Policy.
 18. Finally, it is necessary to consider the lack of a formal planning obligation in respect of transport issues and affordable housing issues.
 19. Traffic conditions in this part of London make it necessary for the site to be secured as a "car parking permit free" development, with a related contribution to car club membership. Otherwise, the unrestricted grant of planning permission would be likely to generate more demand for on-street parking, which cannot realistically be met, thereby adding unacceptably to traffic congestion. These matters cannot be secured by condition, as suggested by

the appellant, and the reason for refusal given by the Council is justified, therefore.

20. Similarly, the issue of affordable housing needs to be addressed effectively. In many cases, the creation of a new market residential unit will give rise to a requirement for a financial contribution to be made to support the Council's provision of affordable housing. In this case, the need for such a contribution has not been specifically addressed. It may be the case that no contribution ought to be demanded but, in view of the lack of financial evidence (or other submissions), this consideration also justifies the Council's reason for refusal in relation to this appeal.
21. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms. Nevertheless, I am convinced that the objections that have been identified above collectively outweigh the benefits of the project. Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C Shrimplin

INSPECTOR