



Appeal Decision

Site visit made on 4 September 2019

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Appeal Ref: APP/N5660/W/19/3230204

Land to the rear of 130 and 132 Norwood Road, London SE24 9AY

- 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 T Dann, on behalf of London Cyrenians Housing Limited, against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 18/04295/FUL, dated 5 October 2018, was refused by notice dated 8 January 2019.
 - The development proposed is demolition of disused garage and replacement with three-bedroom dwelling house, external amenity space, bin storage, cycle storage and boundary treatment.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application form includes a different address to both the appeal form and decision notice. I have used the more accurate reference from the latter two for clarity.

Main Issues

3. The main issues are:
 - the effect of the proposed dwelling on the character and appearance of the local area,
 - the effect of the proposal on the living conditions of both future occupiers in terms of the quality of the internal and external basement accommodation and its outlook, and privacy; and on existing occupiers at 128-132 Norwood Road and 1 Romola Road in terms of outlook and privacy,
 - whether the proposal would provide an adequate provision of affordable housing, and
 - whether the proposed dwelling would make an adequate provision towards sustainable travel.

Reasons

Character and appearance

4. The site is a corner plot within a residential area. It covers the rear width of the plots of two semi-detached properties which have been converted to flats. The

local area consists mostly of traditional semi-detached and terraced villas. The dwellings of Romola Road have common characteristic materials, including the use of brick and stone, and with clay tile pitched roofs. Plot widths, set-backs and prominent two-storey bay windows are also dominant features.

Furthermore, most dwellings are set behind low front boundary brick walls within an established building line. The site itself consists of a single-storey flat-roofed building used for ancillary storage in association with the adjacent subdivided dwellings. Subsequently, whilst being in front of the established building line the storage building is understated. It retains a sense of spaciousness behind the corner building. The site therefore makes a positive contribution to the character and appearance of the area.

5. The proposed dwelling would replace the existing store with a similar form at ground floor, albeit wider. It would also possess first floor and basement elements. The proposal would also include mono-pitched zinc roofs and the use of brick and timber cladding. The adjacent highway curves away from the junction increasing the prominent nature of the site. Accordingly, the proposal would be ahead of the front elevation of 1 Romola Road. It therefore would not naturally follow the curvature of the street. Instead, the proposal would be highly visible and overt from the highway.
6. The proposal shares no meaningful characteristics with the local architectural vernacular. It would be both substantially shorter and narrower than local built form. Furthermore, although having a brick plinth the proposed dwelling would have a discordant roof shape and uncommon materials being predominantly timber clad. Paragraph 10.15, of the LP, explains that the use of cedar boarding should be avoided due to it being uncharacteristic of the borough and can weather poorly. Furthermore, whilst the proposed timber forms a modern aesthetic, the submission has limited evidence to illustrate that this would complement the local context. Also, whilst materials could be revised by condition, this would not satisfy more fundamental concerns regarding character and appearance.
7. The proposal would be a prominent addition to the site. Moreover, whilst being subservient in the street, the visual imagery fails to convince that the proposal would integrate well with its surroundings. These effects would result in a form that would be out of keeping and harmful to the local area.
8. Accordingly, the proposal would be contrary to policies Q5, Q7 and Q14 of the Lambeth Local Plan 2015 (LP). These seek development that would reinforce local distinctiveness, be visually interesting and to protect rear gardens from development that would be at odds with local distinctiveness.

Living conditions

9. Considering the effect of the proposal on future occupiers, it is recognised that the internal floor area is around 127m². The London Housing SPG (2016) identifies that a three-bedroom dwelling should have a minimum floor-area of 108m² which is consequently satisfied. However, a large proportion of this area would be at basement level, thus raising the importance of the basement to be a good-quality habitable space.
10. The two bedrooms at basement level would gain access to daylight via the lightwell and two high-level glazing slot windows. The lightwell's functionality would be substantially compromised due to the scale of the ground floor

balcony. Furthermore, an obstructive enclosure would be formed by both the tall privacy screen and the proposed rooms arranged around the ground floor courtyard. As such, the lightwell would be compromised by surrounding built form. Also, the high-level boundary slot windows could become obscured in the future due to them overlooking land beyond the application site. The appellant's daylight and sunlight report¹ indicates that the basement bedrooms would have limited access to natural daylight. This would be in addition to its poor outlook into a constrained space. This effect would result in a substantially harmful impact on the living conditions of future occupiers.

11. In terms of proposed external space, policy H5(b)(i) of the LP, requires a minimum provision of 30m² for residential units. The external area would be around 34m² but would be piecemeal. It would be arranged around the dwelling in a manner that would render it largely impractical for most day-to-day use and therefore be of limited value to the occupier. Furthermore, the largest single area is on the frontage which would also be the least private. Consequently, the external space would be poor quality and of limited worth.
12. A privacy screen is shown at the end of the first-floor terrace. A brick perforated boundary wall is also proposed adjacent to the balcony and lightwell affording some privacy to these spaces. However, this would not prevent all views from rear windows of 130 and 132 Norwood Road (No's 130 and 132) toward the proposed dwelling. The projecting rear returns of No's 130 and 132 include rear facing widows that would overlook down into these areas and the terrace. As a consequence, the proposal would be significantly harmful to future occupiers of the proposal due to a lack of privacy.
13. The proposal would also have an adverse effect on the living conditions of existing occupiers. One Romola Road is a detached dwelling, adjacent to the side of the proposal. It has a small rear and side garden with limited outdoor private space. The proposed first-floor terrace would result in overlooking into the neighbouring courtyard garden. This would result in a substantial loss of privacy to the occupier. The terrace would also overlook the rear courtyard of No's 130 and 132, despite the proposed screen blocking some views.
14. Also, the balcony would overlook some rear windows of No's 130 and 132 despite the proposed screen on the side of it. Furthermore, the rear window in the proposed kitchen would overlook the private rear garden of 128 Norwood Road. Moreover, although the proposal would partly replace an existing garage, it would be closer and taller. The rear view for occupiers of No's 130 and 132, would suffer a substantial loss of outlook, especially those on the nearest return. This would be due to the proximity and scale of the proposal. As such the proposed dwelling would be of substantially harmful to the living conditions of existing occupiers through overlooking and a loss of outlook.
15. As a consequence, the proposal would be contrary to policies Q2 and Q14 of the LP, which includes requiring development to provide an adequate outlook to prevent any undue sense of enclosure and resist development that would result in a loss of outlook. Furthermore, the proposal would harm the living conditions of future residents contrary to policies H5 and Q2 of the LP, where it seeks development to meet the Council's required housing standards and provide acceptable standards of amenity.

¹ PRP, Daylight and Sunlight Assessment September 2018

Affordable housing

16. Policy H2 of the LP requires a financial contribution towards affordable housing for development on sites providing fewer than 10 units. However, the Framework states that affordable housing should not be sought for residential development that are not major development sites. Nevertheless, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
17. The Council's Affordable Housing document for small sites² explains that there is an acute shortage of affordable housing in the borough. This is based on the analysis undertaken in the Local Housing Needs Assessment 2012 and Strategic Housing Market Assessment 2017. Consequently, the evidence adequately justifies the need to secure affordable housing provision on small sites to partly address this need. Moreover, many recent appeal decisions³ have also concluded that the evidence of local demand for affordable housing is compelling and that policy H2 is of greater weight than the Framework. The emerging Local Plan indicates an intention to revisit affordable housing provision in the borough. However, this only affords limited weight due to its early stage.
18. The viability assessments undertaken by the parties are inconclusive; thus the statutory position is that planning applications must be decided in accordance with the development plan unless material considerations indicate otherwise. I have had regard to the provisions of the Framework, in particular paragraph 63 and the Written Ministerial Statement regarding affordable housing as material considerations. However, these do not outweigh the significant weight which I attach to the cogent evidence of affordable housing need in the Borough of Lambeth.
19. As such, in the absence of an affordable housing contribution, the proposal would not accord with policies D4 and H2 of the LP. These policies require development to contribute towards affordable housing, including for sites of less than 10 dwellings.

Sustainable travel

20. The proposal makes no provision for on-site parking. The site is adjacent to a highway with parking restrictions in the form of a resident parking scheme. During my day-time visit I noted that demand for on-street parking was relatively high and I would expect demand to be substantially greater in the evenings and weekends. Policy T7 of the LP, states that development should be car free particularly in areas where public transport accessibility is high to reduce demand for on-street parking. The site is within a public transport access level (PTAL) 6a area, enabling 'excellent' access to sustainable travel. Consequently, the PTAL measure is sufficiently high to require the development to be car free and therefore engage the requirements of policy T7. Consequently, a legal agreement requiring the appellant to prevent future occupants from applying for a resident parking permit, would be both

² Lambeth Local Plan Small Sites Affordable Housing Policy: considerations for planning decision makers 2017

³ Planning Appeal Decisions: APP/N5660/W/18/3198397; ../3192507; ../3205413; ../3206605; ../3211080; ../3184501; ../3191098; ../3218018; ../3218799.

necessary and reasonable. Therefore, in this case, this requirement would pass the tests of the CIL Regulations⁴.

21. Accordingly, the proposal would be contrary to policies T6, T7 and D4 of the LP, which amongst other things seek development that would not have an unacceptable impact on highway safety and traffic flows, to be car free where there is good access to public transport and to secure planning obligations for sustainability measures.
22. The appellant has stated that a Unilateral Agreement can be provided to satisfy policy in this regard. However, one is not in evidence. In any event, as I am dismissing the appeal for other reasons this matter has not been pursued further.

Other matters

23. The proposal would provide some benefits including the delivery of a family sized dwelling on previously developed land and being in an area with excellent access to public transport. The proposal would also meet local refuse and cycle parking requirements. These benefits would satisfy some policy objectives and make a moderate contribution in favour of the proposal.
24. Also, my attention has been drawn to the planning history for both the site⁵ and the adjacent semi-detached properties⁶. The latter was approved to regularise the flat conversion. The former was refused for several reasons similar to the matters relating to this appeal. As such, the history has limited bearing in favour of the proposal other than to illustrate that the current proposal attempts to satisfy the previous reasons for refusal. In any event, this proposal must be determined on its own merits.
25. The appellant would accept a condition to require the rear kitchen window to be obscurely glazed. However, the proposal should not be reliant on boundary windows to achieve an adequate level of natural light to internal spaces as third-party land could be altered beyond the control of future occupiers. As such, I do not find a condition would substantially address the main issues associated with this appeal.

Conclusion

26. The National Planning Policy Framework seeks to significantly boost the supply of housing. The proposal would provide a three-bedroom dwelling which would affect local parking pressure, harm the character and appearance of the area, and harm the living conditions of future and existing residents. As a result, the benefits of the proposal would be outweighed by the harm identified to the development plan.
27. For the above reasons the appeal is dismissed.

Ben Plenty

INSPECTOR

⁴ Community Infrastructure Levy Regulations 2010, Regulation 122(2)

⁵ Planning Application Reference: 15/00707/FUL

⁶ Planning Application Reference: 10/03094/FUL