



Appeal Decision

Site visit made on 29 October 2019

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th November 2019

Appeal Ref: APP/N5660/W/19/3230364

85 Norfolk House Road, London SW16 1JQ

- 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 Toa Stoppard against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 18/04444/FUL, dated 16 October 2018, was refused by notice dated 8 March 2019.
 - The development proposed is described as "Demolish an existing out-building used for household storage and general waste and replacing it with a new two storey 1 bedroom 2 person dwelling. The new dwelling utilises the topography of the site, along with a stepped entrance into the ground floor living space, to combine two storeys of accommodation into a visible street-facing elevation of one and a half storeys."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Despite the description of development set out above, I consider the description found on the Decision Notice and the Appeal Form better reflects the scheme that is before me and that which the Council considered. The development proposed is therefore for "Demolition of existing outbuilding and erection of a new 2 storey (1-bed) dwelling to the rear of 85 Norfolk House Road (fronting Mount Ephraim Road)." I have therefore determined the appeal on this basis.
3. The Council's Decision Notice refers to Policy Q14(d) of the Lambeth Local Plan (Adopted September 2015) (LLP). However, as the reason for refusal relates to the provision of private external space that policy did not apply. The Council has confirmed that the appeal scheme does not conflict with that policy and that Policy H5 of the LLP was the relevant policy. With this in mind and given that the main parties have referred to Policy H5 in their evidence, I am satisfied that no party would be prejudiced by my reference to that policy. I have therefore determined the appeal on this basis.

Main Issue

4. The main issue is whether the proposed development provides adequate living conditions for future occupants, with particular regard to the provision of private external space.

Reasons

5. Policy H5 of the LLP suggests that for each new house, 30 square metres of private external space should be provided. However, both the London Housing Design Guide¹ (LHDG) and Policy D4 of the New London Plan – Consultation Draft² (NLP) suggest that new 1-2 person dwellings should provide five square metres of private external space. Policy H5 of the LLP is more recent than the LHDG and the NLP is yet to be published by the Mayor of London. Therefore, the lower standards referred to in Policy D4 of the NLP and the LHDG carry only limited weight in my determination of the appeal.
6. The proposed external space would be over one third of the size of the proposed dwelling and directly accessible from its living spaces. The space would also not be overshadowed by other buildings or experience restricted daylight. Nonetheless, at around 19 square metres, it would be significantly below the threshold of Policy H5 of the LLP.
7. Given the layout of adjacent gardens and the position of the proposed dwelling within the site, the external space would taper to an acute corner at the site's frontage. Therefore, for the most part, the space would be irregular in shape and narrow in width so its use would not be practical. The inclusion of a cycle store would further constrict the space, leading to a cramped environment. The nature and extent of the space would therefore not be suitable for the future occupiers of the proposed dwelling.
8. I have been referred to a number of developments³ consented by the Council but the majority are for flats, which are subject to separate criteria set out in Policy H5 of the LLP, including the provision of communal and private space. These developments are not therefore comparable with the appeal scheme before me.
9. However, three of the decisions relate to dwellings in the Borough. The first, for a dwelling at 41 Streatham Common North⁴, included an external space split in two by a walled garden but in excess of the threshold requirement for external space. The second, for a dwelling at 16-22 Prescott Place⁵, was served by communal space. Whilst the third, for a large dwelling at land between 53 and 57 Iveley Road⁶, provided less private external space than the appeal proposal but significant internal space above the required minimum standards. I note that there is no exception in Policy H5 of the LLP to the provision of space for dwellings but I am not aware of the full circumstances of each case, including any spatial constraints or other benefits associated with each development. Nonetheless, other developments consented in the Borough with private external space below the threshold of Policy H5 of the LLP would not justify the proposal, as the proposal would harm the living conditions of future occupiers.
10. I have also been referred to a scheme for a new dwelling in the neighbouring Borough of Southwark. However, I am not aware of the full circumstances behind that case or the policies that applied to that decision, so I have not afforded it any weight.

¹ Interim Edition, Mayor of London, August 2010.

² Published in December 2017.

³ References: 17/04031/FUL, 17/4063/FUL, 17/04465/FUL, 17/04496/FUL, 17/04720/FUL, 17/05268/FUL, 17/06112/FUL, 18/00001/FUL and 18/00798/FUL.

⁴ Ref: 17/06097/FUL

⁵ Ref: 17/05063/FUL

⁶ Ref: 18/00605/FUL

11. For the reasons outlined above, I conclude that the private external space of the proposed dwelling would be deficient, to the extent that it would be unacceptably harmful to the living conditions of future occupiers of the proposed dwelling. Accordingly, the proposals would not accord with Policy H5 of the LLP.

Other Matters

12. I note that the proposed dwelling would be built to a high standard of design and sustainable construction using a palette of carefully considered facing materials. However, the absence of harm in respect of all matters other than the size of the proposed outdoor space is of neutral weight.
13. Furthermore, although the proposal could be said to make more efficient use of the site, paragraphs 117 and 122 of the Framework are clear that this should include taking into account the importance of securing well-designed, attractive and healthy places. Moreover, I have found harm in respect of the living conditions of future occupiers of the proposed dwelling.
14. By accommodating a 1-2 person dwelling, the proposal could contribute to the supply and mix of housing in the Borough. However, the provision of one additional dwelling would be unlikely to have a significant effect on the supply of housing and would not, in any case, outweigh the harm I have identified.
15. Similarly, whilst the proposal could reduce the potential for tipping and vandalism within the site, there is no substantive evidence before me to suggest that other potential solutions to these matters would not be available.
16. In addition, the appellant has referred to the Council's approach to decision-making and the weight afforded to the particular circumstances of the proposal and site context. This is not a matter for me to consider as part of this appeal and, in any event, I have reached my own conclusion on the appeal proposals based on the policies and evidence before me.
17. None of the other matters raised alter or outweigh my conclusion on the main issue.

Conclusion

18. For the reasons given above, I conclude that the appeal has been dismissed.

Paul Thompson

INSPECTOR