
Appeal Decision

Site visit made on 4 November 2019

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 21 November 2019

Appeal Ref: APP/N5660/W/19/3235995

26 Helix Road, London SW2 2JS

- 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 Thompson against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/01518/FUL, dated 18 April 2019, was refused by notice dated 20 June 2019.
 - The development proposed is described as 'the conversion of the existing dwelling house to provide 2 self-contained flats including internal bike storage, along with the refuse and recycling store in the front amenity space. The proposal consists of dormer loft conversion and rear extension'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposal on the supply of family-sized housing having regard to provisions in the development plan; and (ii) the effect of the development on on-street car parking demand and whether or not the site is located in an accessible location where there is a choice of alternative modes of transport.

Reasons

Supply of family-sized housing

3. The appeal property is located on the west side of Helix Road. It is a two-storey, mid-terrace, single family dwelling with a three-storey rear return and a single-storey rear extension to the rear of the return.
4. The proposal would convert the property to provide 2 self-contained flats. One would be a four-bedroom flat split over the ground and first floors and the other a one-bedroom flat on the second floor. The development would also include the construction of a single-storey rear extension.
5. Policy H6 'Residential conversions' of the Lambeth Local Plan 2015 (LP) seeks to ensure mixed and balanced communities with a choice of family-sized housing and states the circumstances where the Council will protect dwellings suitable for occupation by families from conversion into flats. In parts of the Borough under conversion stress, the policy states that all dwellings suitable for occupation by families, including houses with three or more bedrooms and

ground-floor access to a rear garden, will be protected. Furthermore, it states that in other parts of the Borough, not on the main road network, dwellings suitable for occupation by families of less than 150 square metres (as originally constructed) will be protected.

6. Helix Road is identified on the Local Plan Policies Map as a street under conversion stress. Thus, the appeal property, taking into account that it constitutes a dwelling suitable for occupation by families, is protected from conversion by the policy. However, the appellant has provided compelling evidence to show that the overall percentage of flat conversion in Helix Road is lower than data on which the Council's policy is based upon. Thus, he contends that, because the conversion percentage is below 50%, the proposed additional residential unit would not take the percentage of converted properties in Helix Road above the Council's preferred threshold. The appellant also points out that streets under conversion stress are no longer proposed in Policy H6 of the Draft Revised Lambeth Local Plan 2018. However, this draft revised plan, notwithstanding that it may be in line with the draft London Plan, remains at a very early stage of its preparation and has not yet been examined. The weight that can be afforded to it is therefore limited.
7. Even if Helix Road is not a street under conversion stress the policy protects dwellings suitable for occupation by families of less than 150 square metres as originally constructed from conversion into flats. The supporting text to Policy H6 states that 'originally constructed' refers to the floor area of the property prior to any extensions being carried out, although extensions carried out pre-1948 can be included in the original floor area.
8. There is disagreement between the main parties about the floor area of the existing property; the appellant contends it is 152.1 square metres however the Council say it is 148.35 square metres.
9. Furthermore, the appellant contends that the existing single-storey rear extension was in existence before 1948 therefore should be included within the floor area calculation. He cites photographs of the side wall of the extension, taken during recent construction work, as evidence of the standard method of construction before 1948. Moreover, he points to the historic map for the period 1951-1976 which clearly shows the existence of the extension.
10. However, the historic map for the period 1948-1953 does not show the existence of the single-storey rear extension. Hence, the credible evidence of historic mapping indicates that the extension was not in existence in 1948. Removing it from the floor area calculation would result in the floor area of the dwelling as originally constructed being significantly less than 150 square metres; the Council have calculated that the floor area, as originally constructed, is 135.74 square metres. Therefore, the property is protected from conversion by the policy.
11. Accordingly, having regard to the provisions of the development plan, I conclude that the proposed development would result in the loss of a single dwelling suitable for occupation by families. As such, it would conflict with Policies H1 and H6 of the LP which, amongst other things, seek to ensure mixed and balanced communities with a choice of family-sized housing and to manage the cumulative effects of residential conversions on environmental quality and local amenity; and provide a mix of housing types and tenures to meet current and future housing needs.

Location of development and on-street parking

12. The proposed development would create one new residential unit. The evidence before me indicates the appeal site has a public transport access level (PTAL) value of 4, which is considered 'good', and is very close to areas with a PTAL value of 6 which is considered 'excellent'. Thus, future occupiers of the proposed additional residential unit would reside in an accessible location where there is good connectivity to a choice of alternative modes of transport.
13. Policy T6 of the LP states, amongst other things, that proposals will be supported where they do not have unacceptable transport impacts, including cumulative impacts on on-street parking. The appeal site lies within a Controlled Parking Zone (CPZ) where on-street parking is restricted. Notwithstanding the accessible location of the development, the proposal would potentially increase pressure for on-street parking within the CPZ should future occupiers of the new residential unit own a car.
14. I note that the appellant, prior to the Council determining the planning application, submitted a draft section 106 legal agreement which has the potential to provide a car free development. The completion of the section 106 legal agreement would be necessary to make unacceptable development acceptable from the point of view of minimising on-street car parking demand issues in the area. However, it has not been necessary for me to pursue the completion of the section 106 agreement any further as I am dismissing the appeal for other reasons.
15. In conclusion on this main issue, I consider that the proposed development would therefore have the potential to accord with Policies D4, H6, T1, T6 and T7 of the LP which, amongst other things, seek to ensure proposals do not have unacceptable cumulative impacts on on-street parking and be car free in areas where accessibility to public transport is high. However, as a completed section 106 agreement is not before me, the development would not actually accord with the aforementioned policies of the LP.

Other Matters

16. The proposal would make a contribution to housing supply for the purposes of the LP, the draft London Plan and the National Planning Policy Framework. It would also be in a location that is accessible to local services. Such benefits from one additional unit would be on a modest scale though.
17. The appellant states that the proposals meet and exceed all internal space standards and would create well-designed and high quality residential self-contained units with garden and amenity space. However, these are not matters in dispute and thus they do not alter or outweigh my overall conclusions on the main issues set out above.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR