



Appeal Decision

Site visit made on 3 December 2019

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2019

Appeal Ref: APP/N5660/W/19/3237665
348 Coldharbour Lane, London SW9 8QH

- 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 Jason Copas (Brimstone Living Ltd) against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/02288/FUL, dated 25 June 2019, was refused by notice dated 30 August 2019.
 - The development proposed is change of use of existing A1 (retail) floorspace at ground floor level, together with the demolition of an existing outbuilding and the erection of a single storey rear extension and the installation of a timber framed shopfront, to create a 21 square metre A1 (retail) unit and a self-contained 1 bedroom flat to the rear.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of existing A1 (retail) floorspace at ground floor level, together with the demolition of an existing outbuilding and the erection of a single storey rear extension and the installation of a timber framed shopfront, to create a 21 square metre A1 (retail) unit and a self-contained 1 bedroom flat to the rear at 348 Coldharbour Lane, London SW9 8QH in accordance with the terms of the application Ref: 19/02288/FUL, dated 25 June 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings 001, 002, 003, 004, 005, 102, 103, 104, 105, 106 & 107.
 - 3) The external surfaces of the extension hereby permitted shall match those used in the construction of the existing building.
 - 4) Prior to occupation of the development hereby permitted, full details of cycle parking and the associated access route shall be submitted to and approved in writing by the Local Planning Authority. Prior to occupation the cycle parking shall be implemented in full and shall thereafter be retained solely for its designated use.
 - 5) Prior to occupation of the development hereby permitted, a scheme detailing the arrangements for the storage and collection of waste shall be submitted to and agreed in writing by the Local Planning Authority. The use shall thereafter take place in accordance with this scheme.

Procedural Matters

2. The appellant has submitted an amended plan which shows the inclusion of a roof light within the rear extension. I have accepted drawing 107 which shows this amendment as I consider it to be a minor alteration to the proposals which would not prejudice other people interested in the appeal.
3. Within refusal reason 1, the Council refer to The Housing Standards – Minor Alterations to the London Plan (2016). These were subsequently incorporated into the London Plan (2016) (LP) and I will refer to these as the Housing Standards of the London Plan.
4. The description I have used in the banner heading and the decision comes from the original planning application form, I have no evidence that the appellant has agreed to the description change.

Main Issues

5. The main issues are:
 - i. the effect of the proposal on the living conditions of future occupiers with particular regard to outlook, daylight, and sunlight;
 - ii. the effect of the proposal on highway safety; and
 - iii. whether the proposal would make appropriate provision for affordable housing.

Reasons

6. The appeal site is a three-storey terraced building with commercial premises and shop front to the ground floor with residential accommodation above with a rear yard. It sits within the Loughborough Park Conservation Area (the conservation area). The significance of the terrace is derived from its traditional design and strong frontage to Coldharbour Lane.

Living conditions

7. Part of the proposed flat would be provided within an extension to the rear of the main section of the property. The site is self-contained, with imposing walls surrounding the yard. The proposal has been designed in such a way so that it creates a reasonable outlook within the confines of the site by positioning patios at the northern end of the site and within its centre, allowing views to and from these areas from both the bedroom and living accommodation creating a dual aspect. This would lead to a confined, but pleasant outlook through the flat.
8. It is accepted that there would inevitably be some restriction in daylight and sunlight to the site given the presence of the boundary walls and the positioning of the living and patio areas to the north of the main body of the building. However, it is generally the case that daylight and sunlight are often more restricted within ground floor units. Further, the main building is not of excessive height at 3 storey level, and nothing within the evidence suggests that daylight or sunlight would be deficient for future occupiers.
9. I have had regard to the fact that both daylight and sunlight levels would likely be increased within the main living area as a result of the proposed rooflight.

Further, the proposal provides a level of external amenity space that is well in excess of the 10sqm requirement within Policy H5 of the Lambeth Local Plan (2015) (LLP) and an internal floor space well in excess of the minimum requirement within the LP.

10. I conclude, on this issue, that the proposal would provide acceptable living conditions and would therefore accord with Policies H5 and Q2 of the LLP and the Housing Standards of the LP which jointly seek to ensure the provision of acceptable living conditions for future occupiers.

Highway safety

11. The appeal site is located within a Controlled Parking Zone (CPZ) and has a high PTAL level of 6b. Future occupants would therefore have very good access to bus, rail and underground services which would represent a real alternative to a private car.
12. In order not to exacerbate parking stress within the area, the Council require that future occupants should be restricted from purchasing car parking permits secured through a Section 106 agreement. However, very little evidence or justification for such a requirement has been provided. Although representing only a snap shot in time, I saw at my site visit late on a weekday afternoon that there was parking availability on Coldharbour Lane in front of the parade and also within immediately adjoining streets.
13. Overall, there is no compelling evidence before me to suggest that there are significant levels of parking stress in the area and I do not consider that a one-bedroom unit would create significant parking demand. It is unlikely therefore that the proposal would lead to any congestion on the surrounding highway network.
14. As a result, I do not consider that it would be necessary to restrict future occupants from applying for parking permits or requiring car club membership via a legal agreement to make the development acceptable.
15. Therefore, I conclude on this issue, that the proposal would not lead to an unacceptable pressure on on-street parking or any highway safety issues and would therefore accord with Policies T1, T6, T7 and D4 of the LLP. These policies seek, amongst other things, to manage traffic and minimise the need to travel, prevent unacceptable impacts on highway safety, strike a balance between promoting new development and excessive car parking, ensure that proposals do not have an unacceptable impact on parking conditions and traffic congestion in the area and provide support for the use of S106 agreements.

Affordable housing

16. The Council set out that there is an acute shortage of affordable housing across London and evidence suggests the demand for affordable housing in Lambeth will remain very high. Lambeth's Strategic Housing Market Assessment (October 2017) indicates that between 1,047 and 1,573 affordable homes would be required annually to meet affordable housing need over the development plan period.
17. Additionally, the Council have produced a note to address the delivery of affordable housing from sites providing fewer than 10 units, titled Lambeth Local Plan Small Sites Affordable Housing Policy: considerations for planning

- decision makers (October 2017). This provides evidence that small sites make a significant contribution to Lambeth's housing supply, both in terms of approvals and completions. I have no reason to disagree with these findings.
18. Policy H2 of the LLP seeks to ensure the provision of affordable housing to address housing need and requires that sites providing fewer than 10 units make a financial contribution towards the delivery of off-site affordable housing.
 19. In contrast, the National Planning Policy Framework (the Framework) details that provision of affordable housing should not be sought for residential developments that are not major developments.
 20. Nonetheless, 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.
 21. From the information before me there appears to be strong and compelling evidence that in order to respond to significant, evidenced affordable housing need in the borough, development of this sort could help address that need notwithstanding the contents of the Framework.
 22. Therefore, although the Framework is a weighty material consideration, it would not outweigh the development plan in this instance. The appeal should be determined in accordance with the development plan, namely Policy H2 of the LLP.
 23. Consequently, in the absence of any evidence to suggest such a contribution would not be viable, the proposal would fail to provide an appropriate contribution towards off site affordable housing provision. The proposal therefore conflicts with Policies H2 and D4 of the LLP with regards to their requirements relating to affordable housing.

Planning balance

24. I am mindful that the proposal makes no provision for affordable housing and this weighs against the scheme. However, I am also mindful of statutory duty to preserve or enhance the character and appearance of conservation areas. While the rear extension would have a neutral impact, a replacement traditional timber shop front with a slimmer fascia board is proposed which would be a significant improvement over that existing. The new shop front would therefore enhance the character and appearance of the conservation area and would contribute positively to the heritage significance of the terrace which is derived from its traditional design and strong frontage to Coldharbour Lane. Paragraph 192 of the Framework states that in determining planning applications, account should be taken of the desirability of new development making a positive contribution to local character and distinctiveness. Accordingly, I attribute significant weight to this benefit.
25. Consequently, overall, in my view, the conflict I have identified with the development plan relating to affordable housing, particularly given the very small scale of the residential development proposed, does not outweigh the benefits of the scheme. My findings of lack of harm to the living conditions of future occupiers and to highway safety, form neutral considerations in the overall planning balance. Therefore, the factors above provide the material

considerations to grant planning permission other than in accordance with the development plan in this specific case.

Conditions

26. I have considered the conditions suggested by the Council. I have amended some wording where necessary in the interests of clarity and brevity.
27. In addition to the standard time limit condition, a condition is necessary specifying the approved plans to provide certainty. In the interests of the character and appearance of the area, a condition is included requiring the use of matching external materials. A condition relating to the provision of cycle parking and access is necessary in the interests of promoting sustainable forms of transport. The condition relating to refuse and recycling storage and waste collection arrangements is necessary in the interests of promoting sustainable waste management.

Conclusion

28. For the reasons given and taking all relevant matters into account, I conclude that the appeal should be allowed subject to the conditions set out above.

T J Burnham

INSPECTOR