
Appeal Decision

Site visit made on 21 January 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2020

Appeal Ref: APP/N5660/W/19/3234380
64 Blairderry Road, London SW2 4SB

- 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 Michele Brody against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/00631/FUL, dated 13 February 2019, was refused by notice dated 2 May 2019.
 - The development proposed is a conversion from a single dwelling to 2no. flats and all associated works
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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 housing;
 - ii. whether the proposal provides suitable living conditions for future occupiers of the first floor flat with particular regard to bedroom width, storage space and outdoor amenity space;
 - iii. whether future occupiers of the flats should be restricted from obtaining car parking permits and provided with car club membership; and
 - iv. whether the proposal would make appropriate provision for bin and cycle storage.

Preliminary Matter

3. The appeal is accompanied by some amended layout plans. However, the appeal process should not be used to evolve a scheme and it is important that I determine this appeal based on what was considered by the Council, and on which interested people's views were sought.

Reasons

4. The appeal proposal is a two-storey semi-detached dwelling which sits on a primarily residential street, set back away from the busy A23 to the east. It seeks the sub-division of the existing house to form a one bedroom flat at ground floor level and a two-bedroom flat to the first floor.

Supply of family housing

5. Policy H6 of the Lambeth Local Plan (2015) (LLP) seeks to ensure mixed and balanced communities and to manage the cumulative effects of residential conversions on environmental quality and local amenity, by protecting dwellings suitable for occupation by families from conversion into flats or houses in multiple occupation.
6. Part (a)(ii) of the Policy seeks to protect dwellings suitable for occupation by families in parts of the borough not identified as being currently under conversion stress, which are not on the main road network and which are less than 150m² as originally constructed. The supporting text of the policy defines 'dwellings suitable for occupation by families' as houses, purpose-built maisonettes and duplex dwellings with ground-floor access to a rear garden, with three or more bedrooms.
7. There is no disagreement that the appeal property, as originally constructed, has a floor area of less than 150m² and is not on the main road network. Combined with the fact it is a house with four bedrooms and ground floor access to a rear garden it represents the type of dwelling that is protected by the Policy.
8. I note concerns of the appellant regarding the use of the adjoining property as a nursery, although do not consider that this would render it undesirable as a family dwelling. I accept that the character of the area may have changed over time, but it still retains a pleasant residential character. I accept that the appearance of the property would not undergo significant change as a result of the proposal.
9. However, I conclude on this issue that the proposal would result in the loss of the existing family sized dwelling. It would consequently be contrary to Policy H6 of the LLP which, amongst other things, protects housing, such as the appeal property, from conversion into flats with the aim of maintaining mixed and balanced communities.

Living Conditions (future occupiers)

10. Policy 3.5 of the London Plan (2016) (LP) sets out that residential development should be of the highest quality internally and externally. Table 3.3 of the Policy provides minimum space standards and requires a minimum gross internal area (GIA) of 70m² for a two-bedroom, three-person, two-storey dwelling. The evidence indicates that the first floor flat would have a GIA of 69.6m². Although the shortfall would be minimal, they are minimum standards which developers are encouraged to exceed.
11. The housing standards¹ set the required levels of internal space within new dwellings. They require that where provided, at least one double bedroom should have a minimum width of 2.75m. The evidence indicates that the double bedroom within the first floor flat would have a large section measuring less than this width. This room would therefore fail to achieve the required standard.
12. The Council are concerned that the first-floor flat does not include the required built in storage. The evidence before me is unclear on this matter, although the

¹ DCLG Technical housing standards – nationally described space standard (2015)

proposed floor plans do show shaded areas, which could reasonably represent areas reserved for built in storage. However, the possible built in storage within the double bedroom, if placed in the potential position proposed, would serve to reduce the width of the room further below the already deficient standard. There would appear to be few other locations for such built in storage within the room based on the layout proposed. Therefore, as a result of the uncertainty of the plans on this issue, I cannot be certain that the flat would meet the required standard in this respect.

13. Policy H5 of the LLP in relation to new flatted developments requires that communal amenity space of at least 50m² per scheme is provided, plus a further 10m² per flat provided either as a balcony/terrace/private garden or consolidated with the communal amenity space. The evidence indicates that the ground floor unit would have a private amenity space of 92m² and the first-floor unit would have a 20m² area. This arrangement would have limited logic given that the significantly larger area would be with the smaller flat. Further, the private amenity space for the first floor flat would be within the front garden. Private amenity space could commonly be used for activities such as having a meal outside or drying clothes. It would be unlikely that any future resident would seek to undertake such activities within the front garden which is exposed to the street by the presence of only a low brick wall. The arrangements for outdoor amenity space within the proposal are therefore imbalanced and unsatisfactory and would detract from the occupiers of the first-floor flat's enjoyment of their home.
14. I conclude on this issue that the appeal proposal would result in cramped accommodation and private amenity space of limited function for the first floor flat and would therefore not be the high-quality housing that the policies require. Consequently, the flat would fail to provide suitable living conditions for future occupiers.
15. The appeal proposal would therefore be contrary to Policy 3.5 of the LP and Policies Q2, H5 and H6 of the LLP, which amongst other things require good quality housing both internally and externally which incorporates acceptable standards of privacy.

Car parking permits and car club

16. The appeal site is identified as having an excellent Public Transport Access Level (PTAL) rating and as being within a Controlled Parking Zone (CPZ).
17. Due to the accessibility of the site to good transport links, there is likely to be a reduced reliance on the use of a car by the residents of the proposed flats. At the time of my site visit, although only a snap shot I observed that whilst there were vehicles parked on the street, these did not appear to create conditions that were detrimental to highway safety. I also observed that there was capacity to park on-street. Nothing within the evidence suggests that any likely limited additional parking demand would cause demonstrable harm to highway safety.
18. As a result, mitigation is therefore not required. Moreover, I find that the mitigation suggested which would involve securing a S106 agreement to prevent future occupants from being entitled to apply for permits to be unnecessary.

19. I therefore conclude on this issue that the proposal would not cause a material and significant increase in the demand for on-street car parking to the extent that highway safety would be compromised. The proposal would therefore comply with Policy T6 of the LLP which states that planning applications will be supported where amongst other things, they do not have unacceptable transport impacts, including cumulative impacts on highway safety, congestion or on street parking.
20. There would be minor conflict with Policy T7 which requires the provision of car club membership for all residents in new residential development, however I find that this is not necessary in relation to this particular proposal to make the development acceptable in planning terms due to my findings above.

Bin and cycle storage

21. The Council are concerned as to whether the proposed bin and cycle storage would be appropriate in design terms in relation to its impact on the street scene and whether it would have the effect of designing out crime.
22. The plans indicate bin and cycle storage to the front of the property. Although the details on the plan are limited, no evidence before me suggests that it would not be possible to accommodate appropriate cycle and bin storage within the site of the appeal proposal which would be acceptable in relation to the above matters. If I were minded to allow the appeal this could be an issue that could be appropriately addressed through a condition. Therefore, the appeal proposal would need not conflict with Policies Q3, Q5 and Q11 of the LLP.

Other Matters

23. The appellant has raised concerns over their communications with the Council. However very limited details have been supplied and I therefore afford this matter limited weight.

Conclusion

24. For the reasons set out above, I conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR