



Appeal Decision

Site visit made on 7 January 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2021

Appeal Ref: APP/N5660/W/20/3257223

3 Mount Nod Road, London, SW16 2LQ

- 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 Adam Clemson against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/04385/FUL, dated 22 November 2019, was refused by notice dated 13 February 2020.
 - The development proposed is to add a side facing dormer and a rear facing dormer to the existing roof slopes; to extend the living accommodation into the existing loft space and to create 2No. self-contained apartments.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the residential units would provide adequate internal living space for future occupants;
 - whether the principle of development would be acceptable having regard to local policies that seek to protect and deliver a range of family housing;
 - whether the residential units would provide adequate external amenity space for future occupants;
 - the effect of the extensions and alterations on the character and appearance of the host building and wider area; and
 - the effects on parking and promoting sustainable methods of travel.

Reasons

Adequacy of internal living space

3. The Mayor of London's Housing Supplementary Planning Guidance (Housing SPG) sets out minimum space standards for new dwellings and provides guidance on the implementation of Policy 3.5 of the London Plan (LP). The space standards in the Housing SPG and the Lambeth Local Plan (Local Plan) (2015) are consistent with the nationally described space standard (NDSS).
4. The gross internal floor area (GIA) of the 1 bed maisonette would be above the space standards required by the NDSS and that expressed in Policy 3.5 of the LP. The 3 bed maisonette would have a GIA of 84 sqm and 2.1 sqm of built-in

storage. This is only minimally short of the built-in storage requirement when compared to the minimum standard for a 3 bed, 4 person unit over 2 storeys. The Council suggest that the property should, however, be considered as a 3 bed 5 person unit, as the second bedroom exceeds the minimum double bedroom size of 11.5 sqm (13.2 sqm shown).

5. The preamble to LP Policy 3.5 sets out that developers should state the number of bedspaces/occupiers a home is designed to accommodate and that the standards are minimum standards that they are encouraged to exceed. Whilst the second bedroom would be more generous in relation to the minimum double bed standard, it would not be excessively so. The unit overall would only just meet the minimum standard for a 3 bed, 4 person unit and in my view, it would be reasonable to accept the stated design intentions at face value, rather than assume that its future use would be as a double bedroom.
6. Therefore, in respect of the internal space standards, the proposal would accord with LP Policy 3.5, the SPG and Local Plan Policy H5.

Principle of development

7. Local Plan Policy H6 states that all dwellings suitable for occupation by families in areas of the borough which are 'under conversion stress' will be protected. A dwelling suitable for occupation by families is defined at paragraph 5.32 as a "*house, purpose built maisonette or duplex dwelling with ground-floor access to a rear garden, with three or more bedrooms*". The existing first floor maisonette has 4 beds and is therefore capable of occupation by a family. It has direct (stepped) access to the rear communal garden area and with at least a dual-aspect, provides a high quality living environment for occupants.
8. The proposal would divide and extend above the existing first floor unit and result in the provision of a 1 bed 2 person dwelling along with a 3 bed, 4 person unit. Policy H6(a)(i) is however clear that properties such as the appeal property in areas of conversion stress are to be protected from conversion and does not appear to make an exception for the scenario where a proposal includes an alternative unit suitable for occupation by families.
9. The proposed configuration, to have an additional household in the building, curtailed access to the rear garden, along with the introduction of an additional stairwell and reduced floorspace overall, would be likely to deter the occupation of the 3 bed family unit by families. The unit would be more likely to appeal to young professionals, couples, or single persons, than may be the case with current maisonette. Consequently, whilst some argument can be made that the proposed three bedroom flat may be occupied by a family, in my view, the practical effect of the proposal is that the current unit that is capable of accommodation by a family, which is explicitly protected from conversion by Policy H6, would be lost.
10. Accordingly, the proposal would conflict with Policy H6 of the Local Plan.

Adequacy of external amenity space

11. The existing first floor maisonette has access to a communal rear garden, shared with the ground floor flat. It is a generally level, enclosed and useable space measuring approximately 53 sqm excluding the hardsurfaced area alongside the deep rear return. Due to its fenced boundaries, the rear garden benefits from a degree of seclusion.

12. The proposal would result in the 1 bed maisonette maintaining access to the shared rear garden but the 3 bed maisonette, that would theoretically be capable of occupation by a family, without access to the rear communal space at all. Whilst the plans show the existing front driveway altered and enclosed to form a 'front' garden, dedicated to the use of the proposed family unit, this would be visible to all passers-by and would affect the privacy of the ground floor flat given the relationship with the front bay window.
13. Whilst the appellant alleges that front garden spaces in the area are often used for recreational purposes, this was not apparent when I visited the area. Rather, front gardens were typically in use for either parking or as a pleasant, landscaped frontage space. There did not appear to be any front gardens that were specifically used for sitting out, drying washing or other recreational uses and in my view, it would be unusual if they were used as such, given their public visibility. Whilst it is claimed that Local Plan Policy H5 does not specifically require amenity areas to be located only at the rear, it does require that the spaces are free from noise and disturbance, as could not be achieved with people regularly walking or driving past it. Therefore, irrespective of whether the provision would technically meet the minimal external amenity space requirements, it would not meet the needs of the future occupants in terms of its adjacency to the public realm or usability.
14. Consequently, the proposal would fail to provide adequate external amenity space for future occupiers, contrary to London Plan Policy 3.5 and Policies Q2 and H5 of the Local Plan. These Policies collectively seek to ensure that development is of the highest quality with an adequate level of external amenity space for all residential units, free from excessive noise or disturbance, pollution or odour, oppressive enclosure, wind and overshadowing.

Effect on character and appearance of host dwelling and surrounding area

15. The alterations to the front of the property would include the insertion of two roof lights on the roof plane which would not be particularly noteworthy in the context of a predominantly residential character. The side dormer window would also be acceptable in terms of its scale, form and design. The additional bulk to the building from the side dormer would be little discernible given that it would be positioned so as to infill some of the gap between the host building and its neighbour. This would be similar to the relationship between other buildings along the street which do not have as wide an intervening gap.
16. The rear roof extension with Juliet balcony would be situated on the more discreet elevation of the property, largely concealed by the rear return. It would not be particularly visible from the public realm or neighbouring properties. Whilst limited visibility should not be used to justify an unacceptable scheme, there would be little effect on the property overall or to the wider character and appearance from the roof addition. Whilst efforts to inset it from the side walls, down from the ridge and up from the eaves of the host dwelling could achieve a more pleasing and further subordinate addition, subject to appropriate material detailing, the proposal would not be harmful to the character or appearance of the host dwelling and would still achieve a subordinate relationship considered as a whole.
17. Therefore, in view of this main issue, the proposal would not harm the character and appearance of the host dwelling or surrounding area and would not conflict with Policies Q5 or Q11 of the Local Plan. These Policies seek to

ensure development reflects the positive aspects of the local context and historic character and in respect of roof extensions, ensure that they avoid harm to the architectural integrity of the original building or its group. For similar reasons, no direct conflict would be raised with the Building Alterations and Extensions Supplementary Planning Document (2015).

Car parking

18. Whilst the current property has one informal car parking space to the front, this would be lost to provide a garden. The area is not currently in a Controlled Parking Zone (CPZ) although there is a suggestion that the Council may seek to extend existing CPZs into the area in the future. Due to its very good access to public transport, the area also scores highly (5) under the PTAL¹ rating.
19. Policy T7 of the Local Plan requires that development shall be car-free, including permit-free and permit-capped schemes in areas where public transport accessibility is high and also provide car club membership for all residents in new residential development and in mixed development that includes housing (without any specified minimum net additional dwellings).
20. I note that the appellant has indicated his willingness to provide a S106 were it necessary, ie if a CPZ were currently in operation. Doubt about the necessity for such has also been raised in view of the adequacy of available on-street parking in the area, despite the absence of a car parking survey.
21. Given that the time of my visit coincided with a national lockdown owing to the COVID-19 pandemic, it is hard to gauge whether the moderately parked roads around the site were reflective of a 'typical' daytime or peak demand situation. However, the lack of a current CPZ is suggestive of a reduced reliance on the use of a car by local residents. The lack of evidence in relation to car parking pressures that result in prejudicial effects on highway safety or efficiency suggest that it would be unreasonable and unnecessary to seek a S106 obligation to cater for the potential imposition of a CPZ.
22. In respect of the means by which the proposed development would promote sustainable methods of travel, it is clearly in an accessible location and cycle parking would be provided on site and secured by way of planning condition. Whilst there would be a minor conflict with Policy T7 in relation to the provision of a car-club membership, this matter is not decisive given that the appeal is failing on other main issues in any event.
23. Consequently, the proposal would not cause a material increase in the demand for car parking to the extent that highway safety or efficiency would be compromised, nor would it represent a material failure to promote sustainable methods of travel. The proposal would therefore comply with Policies T1 and T6 of the Local Plan. Amongst other things, these policies seek to minimise parking demand, promote a sustainable pattern of development and car-free in areas where public transport accessibility is high.

Other Matters

24. I note the absence of any specific objection from neighbouring occupiers and relevant consultees. This factor attracts minor weight in the overall balance.

¹ Public Transport Access Level

25. Neither of the parties have referred to policies from the emerging London Plan ('the eLP'). Whilst the eLP is not yet adopted, a further Examiner's Report has been issued on the matter since the appeal was made. This concludes that, with the recommended main modifications, the eLP satisfies the necessary requirements and meets the criteria for soundness. Whilst given its advanced stage of preparation, the eLP could attract moderate weight (in accordance with paragraph 48 of the Framework), no specific issues or inconsistencies between the relevant policies have been raised that would have altered the outcome of the appeal in any event.

Planning balance and conclusion

26. In respect of the principle of the loss of a unit more readily capable of family accommodation in an area under conversion stress, and which would not have a suitable external amenity space, the proposal conflicts with the development plan, read as a whole.
27. The scheme would deliver an additional unit with one bedroom and would generate some temporary economic benefits for the duration of the construction phase in doing so. The absence of any specific or material harm in respect of the internal accommodation, effects on the character and appearance of the host building and surrounding area and on car parking are matters which have a neutral impact on the balance of considerations.
28. Weighing these factors together, the benefits of the proposal are not considered to amount to considerations of such materiality that they outweigh the identified harm and, thus, do not indicate that a decision should be made other than in accordance with the development plan.
29. For the reasons stated above, the appeal is dismissed.

Hollie Nicholls

INSPECTOR