



Appeal Decision

Site Visit made on 4 May 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 June 2021

Appeal Ref: APP/N5660/W/20/3263390

377 Kennington Road, LONDON SE11 4PT

- 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 G Melodia against the decision of London Borough of Lambeth.
 - The application Ref 20/02914/FUL, dated 28 August 2020, was refused by notice dated 28 October 2020.
 - The development proposed is described as "For the change of use of part ground floor office and basement to ancillary residential accommodation in association with the existing residential unit".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are whether:
 - the development would result in the loss of existing light industrial space,
 - there is sufficient justification for the provision of a parking space, and
 - the effect of the development on the character and appearance of the area, including the host property as a locally listed building and the Kennington Conservation Area (KCA).

Reasons

Light Industrial Space

3. The appeal site is known as Aircon House and is described as a former Victorian warehouse building that is currently within a mixed residential and part B1 (Business) light industrial use. The majority of the building is occupied as a single dwelling with the proposal seeking to change the use of the remaining business elements into a residential use.
4. The appeal site lies within the Stannary Street Key Industrial and Business Area (KIBA) as identified within the London Borough of Lambeth Local Plan 2015 (LP). Policy ED1 of the LP states that development within a KIBA will only be permitted for business, industrial, storage and waste management uses. The supporting text to Policy ED1 at paragraph 6.4 also outlines that Lambeth is a borough that is encouraged to adopt a more restrictive approach to the transfer of industrial uses to other uses.
5. However, the appellant argues that the amount of business space within the entire building is minimal and therefore its contribution towards the KIBA is

- limited and has not been in active business use for some time. Moreover, the use of the remaining space within the building for residential use would raise the standard of living within the building and thus, the KCA in which it is set.
6. It is evident that the purpose of the change of use on the ground floor is to enable a vehicle to be parked within the building. While this may be an attractive proposition for the appellant, given the level of parking restrictions that are in force in the area, I am not persuaded that this would raise the standard of living for occupiers given that the site is extremely well served by public transport. Moreover, I have not been presented with any meaningful evidence of how the basement would also add to the living conditions of occupiers, other than providing an additional space within the overall building.
 7. Furthermore, although I acknowledge that the appeal site has been the subject of a previous appeal¹ which allowed the conversion of the rear part of the ground floor into residential accommodation, this decision was before the adoption of the current LP. In addition, the Inspector was clear that the maximum feasible amount of employment space should remain on site which, at the front of the building, could be made into a small unit of quality.
 8. Consequently, although the appellant argues that the remaining space within the building is quite small and has not been put to active business use for some time, I have nothing persuasive before me to suggest that it could not be used as a business space in the future, and thus contributing to the vitality of the area, or that the two uses of the building could not harmoniously coincide with one another. Therefore, I do not find the appellant's arguments a compelling reason to reduce the weight afforded to Policy ED1 of the LP.
 9. Thus, given the site's location within a KIBA, I am not persuaded that the arguments put forward by the appellant would justify a decision that would depart from the Development Plan. Thus, the proposal would result in the loss of business space within a KIBA. It would be in conflict Policy ED1 of the LP, the specific requirements of which are specified above.

Parking

10. The proposal seeks to utilise the front of the ground floor as a parking space for a single vehicle. The site lies within an area that has an PTAL² rating of 6b and thus, has excellent opportunities to access public transport. Policy T7 (a) (i) of the LP states that in areas with good public transport accessibility, minimal parking provision should be provided. The supporting text to Policy T7 also states at paragraph 8.24, that the Council will expect car-free development in areas with excellent public transport accessibility and aim to minimise parking elsewhere. Consequently, there is no support for a parking space at the site.
11. The appellant argues that this space is already utilised for parking to serve the business unit. While that may be the case, the proposal before me seeks to change the use of the ground floor and basement to residential use, which includes the parking of a vehicle within the ground floor area. Thus, given the excellent public transport credentials of the site, the proposal would be in conflict with the aims of Policy T7 of the LP in seeking to ensure that the

¹ APP/N5660/A/08/2081325 dated 12 February 2009

² Public Transport Accessibility Level

Council's overall approach to the management of sustainable travel patterns is realised.

Character and Appearance

12. Aircon House is a locally listed building and is situated within the KCA. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area. Therefore, in undertaking this duty, I have based my assessment on the evidence presented before me and the observations I made during my site visit.
13. The appellant has provided an amended drawing³ and Heritage Impact Statement in support of the appeal which revises the front elevation of the building. The appellant states that this revision has been accepted by the Council and planning permission⁴ for a new frontage to the building has since been granted which effectively deals with the Council's reason for refusal on this matter.
14. The amended scheme before me differs from that which was originally considered by the Council. I have considered these revisions under the principles established by the Courts in *Wheatcroft*⁵ and am satisfied that the drawings do not change the development to such a degree that to consider them would deprive those who should have been consulted on the drawing, the opportunity of such consultation. I have therefore determined the appeal on the basis of the drawings submitted with the application and the amended drawing.
15. From the evidence submitted by the appellant, the existing shop front is not an original detail of the building. The development proposes to replace an existing roller shutter door with a black painted steel door along with a single metal door, with crittal windows above each opening. Reference to the building through a fascia advert over the door has been removed, instead proposing a rendered parapet. The pilasters would be replaced by red brick columns and a red brick soldier course would be introduced over the crittal windows.
16. The proposal would retain the existing pattern of development to the front of the site and, coupled with the use of complementary materials, would have a neutral effect upon, and thus preserve, the character of the KCA and the host property. The development would not be in conflict with Policies Q5, Q16, Q22 and Q23 of the LP which seek, amongst other things, to ensure that development proposals preserve or enhance the character or appearance of the KCA.

Other Matters

17. The appellant argues that, in accordance with chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework, weight should be attributed to the proposed alterations to the building. Although I acknowledge the proposed development would preserve the character of the KCA and the host property, for the reasons given above, I am

³ Drawing 20-02 – Amended Proposed Primary Elevation

⁴ 20/02986/FUL dated 23 December 2020

⁵ *Bernard Wheatcroft Ltd v SSE & Harborough DC* [1982] P&CR 233

not persuaded that the alterations alone would justify the loss of the business space or the provision of a parking space.

Conclusion

18. Although I have found that the development would preserve the KCA, I have found that it would result in the loss of business space within an identified KIBA and justification for the provision of a parking space has not been adequately demonstrated. Thus, for the reasons given above, I conclude that there are no material considerations of such weight as to indicate that a decision be taken other than in accordance with the Development Plan.
19. As I have found the proposal would be in conflict with the Development Plan, the appeal is dismissed.

Graham Wyatt

INSPECTOR