



Appeal Decision

Site visit made on 5 July 2021

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th July 2021

Appeal Ref: APP/N5660/W/20/3265902

33 Eylewood Road, London SE27 9LZ

- 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 Curt Loana Mirabela against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 20/02827/FUL, dated 20 August 2020, was refused by notice dated 26 October 2020.
 - The development proposed is for a two bedroom dwelling (self-contained flat). The ground floor contains a kitchen and living space plus the staircase. The first floor includes a double bedroom, single bedroom and a bathroom. The roofing will follow the same skyline of the existing terrace house. No change of use.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The draft London Plan was adopted in March 2021. However, the application in this case was submitted in August 2020. As such, the Council have relied upon Policies contained within the extant Lambeth Local Plan, 2015 (LLP) and the London Plan 2017. The LLP is currently under partial review to ensure it complies with any amendments to the NPPF and the London Plan 2021. Nonetheless, at the time of the appeal the review of the LLP is afforded limited weight. I have proceeded accordingly.

Main Issues

3. The main issues are the effect of the proposal on:
 - the living conditions of future occupiers, and;
 - affordable housing provision.

Reasons

Living conditions

4. The appeal property is located in a dense residential area. The area is typified by two-storey brick and tile semi-detached properties and short rows of terraced dwellings with bay windows to the front. The host dwelling, No 33 Eylewood Road, is a two-storey end-of terrace, bay-fronted dwelling that is set back from the highway behind a paved parking court and a small garden area on the right-hand side when viewed from the road.

5. To the rear of the host property there is a landscaped garden which can be accessed through a pair of timber gates to the left-hand side of the dwelling, or via a shared access with neighbouring properties that can be seen on the left-hand side of the host dwelling when viewed from the road.
6. The proposal is to construct a two-bedroom dwelling in similar materials to the surrounding area. The new dwelling would be a side extension to the left-hand side of the host property that would be accessed by an additional entrance to the front and have a garden space to the rear.
7. The Appellant has brought to my attention a number of developments¹ in the surrounding area in support of the appeal. However, I have limited details of those schemes before me, one of which is of some vintage. Therefore, as is correct, I have considered the proposal on its own planning merits.
8. As such, the proposed development would be located in an established residential area. Therefore, the principle of a two bedroom development as proposed on the Appellants application form is accepted. Moreover, notwithstanding that the proposal would result in a double-door type arrangement to the front elevation of No 33, I noted at my site visit that the proposal would be similar in character and appearance, including height, to both the host and surrounding dwellings. Indeed, the submitted drawings show that the two-bedroom property would be possible on the plot available, including the provision of an amenity space on the severed garden plot without harming the living conditions of neighbouring occupiers.
9. However, while the proposal would be located in a relatively sustainable location and have cycle storage which could be secured by condition, the fact remains that the development would not meet nationally described space standards for the proposed 2-bedroomed property.
10. Indeed, the proposed layout would offer limited opportunities for storage in a property that is liable to be attractive to a small family of three who, for example, are likely to need storage for cleaning equipment, brooms, shoes and boots, as well as larger domestic items and equipment that are not required on a day to day basis. As such, future occupiers are likely to have to purchase free-standing cupboards or similar to accommodate such items that as a consequence would further reduce the limited open floor space available. I conclude therefore, that the proposal would harm the living conditions of future occupiers.
11. Consequently, the proposal is contrary to H5 of the LLP and Policy 3.5 of the London Plan 2017, which say amongst other things that proposals for new residential development, including new-build dwellings, conversions and change-of-use schemes where new dwellings are created, should accord with the principles of good design.
12. For similar reasons, the proposal does not meet the aims of Paragraph 127 (f) of the *National Planning Policy Framework* (the Framework) which seeks to ensure that developments create places which promote health and well-being, with a high standard of amenity for existing and future users.

¹ 94/03172/CA/25801, 18/03697/FUL, 20/00977/FUL, and 17/01052/FUL

Affordable housing

13. The proposed development would contribute to the Council's overall housing supply. Moreover, the proposal would trigger the Council's adopted planning policy requirement for an off-site affordable housing contribution for developments of fewer than 10 units. Indeed, while the Appellant contends the affordable housing contribution is unreasonable for a proposal of this size, the Appellants submitted evidence before me does not include a detailed and convincing viability assessment to the contrary. Furthermore, even if the Appellant were agreeable to make such a contribution via a suitably worded condition, which they are not, there is no agreed mechanism in place to make such a payment.
14. I conclude therefore, that the proposal would be contrary to Policy H2 of the LLP which says that, the council will seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes, and Paragraphs 54-57 of the Framework.

Other Matters

15. Whether permitted development on the appeal site, would be possible within the limits of the GPDO (Class B of Part 1 within Schedule 2) or not, the scheme before me is for a full planning permission. I have determined the appeal on this basis.

Conclusions

16. For the reasons given above I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR