



Appeal Decision

Site visit made on 15 June 2021

by C Coyne BA (Hons) DipTP DipERM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th August 2021

Appeal Ref: APP/N5660/W/20/3262613
93 Rosendale Road, London SE21 8EZ

- 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 James Moore against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 20/02055/FUL, dated 22 June 2020, was refused by notice dated 18 August 2020.
 - The development proposed is described on the application form as 'The demolition of an existing garage unit connected to the residential property of 93 Rosendale road. Excavation of a single level of basement and the creation of a ground and first floor level single two bedroom dwelling'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of the original application the London Plan 2021 (a Replacement Plan) has been published by the Mayor. This London Plan replaces all previous versions. The draft new London Plan 2019 (intend to publish) is clearly referred to within the Council's submissions. One policy from the draft London Plan 2019 is cited within one of the refusal reasons. A copy of the new London Plan was also submitted with the Council's statement. Therefore, given the nature of the refusal reasons, the main issues and the other Development Plan policies upon which the refusal reasons are based I consider on this occasion that the publication of the new London Plan does not directly change the assessment of this appeal.
3. On 20 July 2021 a revised version of the National Planning Policy Framework (the Framework) was published. However, given the nature of the changes to the Framework, the refusal reasons, the main issues and the Development Plan policies upon which the refusal reasons are based, on this occasion I also consider that the publication of the revised Framework does not directly alter the assessment of this appeal.
4. The Council have described the development as 'Demolition of the garage at the rear to the end of the lane and erection of 2 storey dwelling house plus basement accessed via Idmiston Road, with the provision of refuse storages'. I note that the appellant has also utilised this description on their appeal form. I consider that this revision provides an accurate description of the proposal and I have therefore determined the appeal on this basis.

Main Issues

5. The main issues are:

- the effect of the proposed development on the character and appearance of the area;
- the effect of the proposed development on the living conditions of its future occupiers having regard to the adequate provision of outdoor amenity space and matters of outlook, privacy, and safety;
- the effect of the proposed development on the living conditions of neighbouring occupiers having regard to matters of outlook and privacy;
- the effect of the proposed development on the provision of on-street parking in the area; and
- whether the proposed development would provide an appropriate amount of affordable housing.

Reasons

6. The appeal site is located at the end of a narrow lane between the rear of properties on Rosendale Road and those on Idmiston Road. It is proposed to demolish the existing single storey outbuilding and replace it with a two storey dwelling with a basement that would be accessed via the lane from Idmiston Road. Several of the properties fronting Rosendale Road comprise commercial units on the ground floor with residential above. These commercial units store their waste in the lane and use it to access the rear of their premises. It is also proposed to place hard and soft landscaping in the lane and put an access gate at its entrance.

Character and Appearance

7. Apart from the commercial units on the ground floor of some of the properties fronting Rosendale Road those surrounding the appeal site are predominately residential. The properties on Idmiston Road generally comprise two storey dwellings with small front gardens/amenity areas with some of them having shrubbery and planting. There are also some larger properties on Idmiston Road which have bigger gardens fronting the street with larger mature trees and landscaping within them. In addition, some of the properties fronting Rosendale Road on the opposite side of Idmiston Road also have front and rear gardens, as do the large dwellings on the side of Eastmearn Road closest to the appeal site. The nature of these properties and their gardens positively contribute to the character of the area, giving it a suburban feel.
8. Therefore, given the appeal site's backland location, its small size, the proposal's consequential design, and the fact that it would be set so far back from Idmiston Road, means that it would represent a cramped form of development at odds with the area's prevailing residential development pattern. As a result, it would be visually at odds with the predominant suburban character of the residential properties in the area, particularly those on Idmiston Road thereby having a significant adverse visual impact.
9. I note that the properties on the same side of the part of Idmiston Road closest to the appeal site, which face onto Rosendale Road, are more densely packed together and more built-up. However, this is due to the commercial units on their ground floors, the residential accommodation above, and the fact that as a result many of them have built on or over a good portion of their ground floor rear amenity space. Consequently, I consider these properties to be not directly comparable to the proposal.
10. I also note that the proposal is of a similar height to the adjacent residences at Charles Nex Mews. However, its design is not the same as these properties which

all have a rather uniform appearance and layout meaning that it appears out of place next to them, nonetheless.

11. I therefore conclude that the proposed development would materially harm the character and appearance of the area thereby failing to meet the requirements of policies Q5 and Q7 of the adopted Lambeth Local Plan (LP).

Living Conditions – future occupiers

12. One of the bedrooms would be in the basement of the proposal and would not have any windows. Consequently, while I acknowledge the presence of a lightwell which would allow natural light to reach the future occupiers of this bedroom, there would be no outlook for these occupiers which would have a substantial adverse impact on their living conditions.
13. The proposed bedroom on the ground floor would have one window. However, this would face the laneway which is bounded by high walls which would therefore create a sense of enclosure for the future occupiers of this room thereby also having a significant adverse impact on their living conditions in this regard. In addition, for a similar reason the future occupiers of the proposal's first floor kitchen living space would also have a relatively poor outlook onto the lane and rear of the more built-up nearby properties on Rosendale Road.
14. According to the submitted proposed site plan, the distance between the side of the proposal and the rear of no. 103 Rosendale Road would be approximately 8 metres with the rear of no. 101 being closer. Therefore, given the distances between the proposal and the neighbouring properties on Rosendale Road, it is likely that the proposed first floor kitchen and living space would be overlooked by occupiers of these properties, even though the angle to no. 101 would be somewhat oblique.
15. I note that the appellant has suggested using obscure glazing on the large side window facing these properties to potentially mitigate this impact. However, this would not be an acceptable solution for this habitable room which if implemented would reduce the outlook of its future occupiers further still.
16. It is also proposed that the lane would be landscaped to provide outdoor amenity space to the front of the proposed dwelling. However, given its length and width, plus the fact that it is currently used by the nearby commercial units for access and refuse storage I consider it unlikely that this proposed outdoor amenity space would be readily and practically useable even though the soft landscaped area would measure approximately 32 square metres. For similar reasons, the proposed amenity space would also not promote a child-friendly environment as required by policy Q1.
17. The proposal would also be set a good distance back from the entrance on Idmiston Road. As a result, it would not be readily legible to people approaching from the street who would need to walk to it through a very narrow access bounded by high walls on both sides thereby creating a partial tunnelling effect. Therefore, to my mind, even though lighting could be installed, the enclosed nature of the proposed access, its length, and the distance of the proposal from the street, means that this route would neither feel safe nor secure, for residents particularly at night.
18. Consequently, while I note that the presence of the proposed dwelling would potentially represent an improvement to the current level of security of the lane, as outlined above, this does not necessarily mean that it would create an entrance that would be attractive, safe, and legible as required by policy Q7.

19. I therefore conclude that the proposed development would materially harm the living conditions of its future occupiers having regard to the adequate provision of outdoor amenity space and matters of outlook, privacy, and safety. Accordingly, it would fail to meet the requirements of policies H5, Q1, Q2, Q3, Q7 and Q14 of the LP. It would also conflict with Policy D5 of the published London Plan.

Living Conditions – neighbouring occupiers

20. The proposal would present a blank two-storey elevation to the rear garden of no. 6 Idmiston Road and a predominately blank two storey elevation to the rear garden of no. 4 Idmiston Road which would cover the entire width of this garden. Therefore, given its height, scale, massing, and location it would have a significant adverse visual impact thereby unacceptably reducing the outlook from these gardens. Additionally, for similar reasons the proposal would also create an increased sense of enclosure for the occupiers of nos. 4 and 6 Idmiston Road when using their rear gardens.
21. The submitted proposed site plan shows the respective distances between the proposal and the rear of no. 4 Idmiston Road and no. 103 Rosendale Road to be approximately 8 metres, with the rear of no. 6 Idmiston Road being a similar distance from it. Consequently, given its scale, massing, height, and location, the proposal would also be likely to lead to an unacceptable degree of overlooking of the rear gardens of nos. 4 and 6 Idmiston Road and the outdoor amenity space to the rear of no. 103 Rosendale Road even though the angle to no. 6 would be somewhat oblique. Likewise, it would also be likely to lead to an unacceptable loss of privacy for the occupiers of the habitable rooms of nos. 4 and 6 Idmiston Road and nos. 103 and 101 Rosendale Road that are served by windows on their respective rear elevations, even though the angle to no. 101 is also somewhat oblique.
22. I note that the appellant has again suggested using obscure glazing on the windows facing these properties to potentially mitigate this impact. However, this would not be an acceptable solution for the only window serving the appeal property's first floor bedroom or for the kitchen and living space's large side window facing the other properties on Rosendale Road.
23. I also note the appellant's point that some of the windows to the rear of these neighbouring properties are likely to serve a non-habitable room such as a bathroom. However, the submitted daylight and sunlight assessment only shows the ground floor rear windows to no. 103 to be serving non-habitable rooms with the first-floor windows on the rear elevation of no. 103 and all the windows on the rear elevations to the other neighbouring properties, nos. 4 and 6 Idmiston Road and no. 101 Rosendale Road, all being shown as serving rooms that are 'unknown'. Consequently, it would be reasonable to think it likely that some of these windows would in fact be serving habitable rooms meaning that the proposal would have an adverse impact, nevertheless.
24. I therefore conclude that the proposed development would materially harm the living conditions of neighbouring occupiers having regard to matters of outlook and privacy. Consequently, it would fail to meet the requirements of policies Q2 and Q14 of the LP.

Provision of on-street parking

25. The proposed two bedroomed dwelling would be likely to create additional demand for on-street parking in the area and it would provide no off-street parking. Furthermore, even though the appellant has stated that the proposal would be car-free housing, I have no substantive evidence, such as a unilateral undertaking to

provide car club membership, to show that this would be the case. As a result, and in the absence of any substantive evidence to the contrary, I find that it would be likely that the proposal would lead to a loss of on-street parking on Idmiston Road thereby having an adverse impact in relation to parking stress in the area.

26. Consequently, I conclude that the proposed development would materially harm the provision of on-street parking thereby leading to an increase in parking pressure in the area. It would therefore fail to meet the requirements of policies T6 and T7 of the LP.

Affordable Housing provision

27. The appellant has submitted a signed letter demonstrating their agreement to provide a financial contribution towards the provision of affordable housing off-site in compliance with policy H2 with the sum to be agreed. However, in the absence of an agreed level of affordable housing contribution and a legal agreement to secure such a payment I cannot be sure that this would be the case. In any event, even if the level of affordable housing contribution was agreed and a legal agreement submitted to secure the payment, given the scale of the proposal any benefit that this would provide would be limited and as such would not be of sufficient weight to outweigh the substantial harm I have identified above.
28. I therefore conclude that the proposed development would fail to provide an adequate amount of affordable housing thereby failing to meet the requirements of policy H2 of the LP.

Other Matters

29. The proposal is not located within the Rosendale Road Conservation Area (CA) but is very close to it so could potentially affect its setting. However, given that I am dismissing the appeal on other substantive grounds I have not considered this matter further.
30. I also acknowledge that the Council have raised no concerns in terms of the effect of the proposal on the living conditions of neighbouring occupiers having regard to matters of daylight and sunlight. However, this is not of sufficient weight to outweigh the substantial harm I have found in relation to the main issues above.

Conclusion

31. The proposal would not accord with the development plan when read as a whole and there are no material considerations which indicate a decision otherwise than in accordance with it. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR