
Appeal Decision

Site visit made on 24 June 2021

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2021

Appeal Ref: APP/N5660/W/20/3263543

144 Brixton Road, London SW2 1SD

- 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 Babir Hussain against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/02726/FUL, dated 10 July 2019, was refused by notice dated 6 October 2020.
 - The development proposed is a full width rear extension at 1st floor; rear stair enclosure at 2nd floor plus associated alterations; conversion of the 1st and 2nd floors to provide 4 x 2 bed and 2 x 1 bed flats; conversion of a storage space at rear ground floor to provide a bicycle and refuse store.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. One of the reasons for refusal relates to whether the site is viable to provide an affordable housing contribution. The Council states that information has now been provided to demonstrate that the scheme would not require such a contribution. The Authority has withdrawn the reason for refusal in this regard, and I have dealt with the appeal on this basis.
3. The Government published a revised version of the National Planning Policy Framework (the Framework) on 20 July 2021. Whilst I have had regard to the revisions, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the changes to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issues

4. The main issues are the effect of the development on (a) the character and appearance of the property and the Rush Common and Brixton Hill Conservation Area (RCBHCA); (b) the living conditions of future occupants of the development with regard to the layout of the internal accommodation and the provision of outdoor amenity space; (c) the provision of cycle parking and refuse facilities; and (d) whether there is an effective mechanism to secure the additional units of accommodation as car parking permit free housing.

Reasons

Character and appearance

5. The appeal site lies on the corner of Waterworks Road on the west side of Brixton Hill and adjoins a single-storey retail outlet to the south. It relates to a former public house now used for retail and residential purposes. The surrounding area consists of residential and commercial uses, and comprises a mixture of building styles and designs. The building is locally listed and the site lies within the RCBHCA. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6. The RCBHCA appraisal states that the assessment of the area's character is derived from a number of different criteria, including, amongst other things, the origins and development of the topographical framework; the architectural and historic quality, character and coherence of historic buildings and their style and materials; and the relationship of the built environment to the landscape including significant landmarks, vistas and panoramas. The significance of the appeal building itself is derived from its ironwork, stone balustrades and turret, which are clearly visible from Brixton Hill.
7. The appeal proposal incorporates a second floor extension to house a stairwell. The Council comments that this would be unacceptable; it would be overly dominant and utilitarian in appearance, especially in particular views from the rear of the site within the RCBHCA. Moreover, it would not respond positively to the locally listed host building.
8. I acknowledge the appellant's view that the contribution of the rear of the building to the character and appearance of the RCBHCA is more limited than the front and flank elevations. Nevertheless, the proposed second floor element is bland and lacks architectural subtlety, with no detailing to provide relief. This would have a negative effect on the value of the heritage asset. It would also fail to sustain or enhance the significance of the locally listed host building.
9. While the resultant harm would be less than substantial, the appeal proposal would nevertheless fail to preserve and enhance the character and appearance of the building and the RCBHCA. The National Planning Policy Framework (the Framework) states that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The harm to the conservation area would be less than substantial yet any public benefits, for example in the form of additional housing in an accessible location, do not outweigh the harm identified. This is a matter to which I give considerable importance and weight.
10. I note that the Council does not object to the other works to the property and I have no reason to disagree. They would appear to harmonise with the building in relation to depth, width, height and overall design.
11. I conclude on this issue that the proposal would have a harmful impact on the character and appearance of the property and the RCBHCA. It would be contrary to policies Q5, Q11, Q22 and Q23 of the Lambeth Local Plan September 2015 (LP), which, amongst other things, require development to sustain and reinforce local distinctiveness, to have a design which responds positively to original architecture, to preserve or enhance the character or

appearance of conservation areas and to preserve or enhance assets on the local heritage list.

Living conditions

12. Unit 3 is north facing and has single aspect windows, which would conflict with LP policy H5. I recognise that this sole deficiency in the internal layout of the accommodation needs to be balanced against the benefits of the scheme, for example in the form of additional housing. However, the deep-plan nature of the unit would provide for an oppressive environment for future occupiers, particularly within the kitchen area.
13. The appeal scheme does not provide any outdoor amenity space for the six flats, for example in the form of balconies or access to a communal roof garden. The Council acknowledges that where site constraints make outdoor space provision difficult, significant additional internal living space would be expected for each of the respective units. I agree with this pragmatic approach, however in this instance the size of each of the proposed units only slightly exceeds the minimum space requirements set out in the Technical housing standards – nationally described space standard March 2015.
14. The appellant contends that there are a number of open spaces in close proximity to the site. However, and still bearing in mind the size of the units, I do not consider this to be an exceptional circumstance that would justify inadequate provision of appropriate outdoor amenity space within the development. In my view, public open space would not be used in the same way as incidental amenity areas on site.
15. The Council makes mention of the length of some of the corridors within the units and the installation of a window in the western elevation. I am not convinced these elements in isolation would warrant dismissal of the appeal, although such reasoning does not override my other arguments on this matter.
16. I therefore conclude that the proposal would result in material harm to the living conditions of future occupants of the development with regard to the layout of the internal accommodation and the provision of outdoor amenity space. It would fail the provisions of policies H5 and Q2 of the LP and the London Plan Housing Supplementary Planning Guidance 2016, which require all development to provide good living conditions and protect the amenity of future occupiers.

Cycle parking and refuse facilities

17. The appellant has submitted a revised plan to attempt to address the Council's concerns regarding the number of cycle parking spaces and the shared nature of the cycle and refuse area. I note the Authority's comments on the amended plans.
18. The revised drawing shows space for six cycle spaces, which is below the minimum requirement set out in the London Plan March 2021. In my view this shortfall would fail to create a healthy environment in which people choose to cycle.
19. Although there would be internal access doors to each of the elements, the layout plan shows that the cycle parking facility would essentially be combined with the refuse area. The appellant states that the space would be ventilated,

however to my mind it is likely that odour from the bin store would linger, and consequently this would result in an unpleasant environment for users of the facility. The internal arrangement also appears restricted and contrived, to the further detriment of the usability of the area.

20. I therefore consider that the scheme would fail to make appropriate provision for cycle parking and refuse facilities. The development would not accord with policies Q2, Q12, Q13, T1, T3 and EN7 of the LP, which seek to secure acceptable cycle storage and refuse and recycling facilities and to promote sustainable means of travel and waste management.

Car parking

21. The appellant has indicated a willingness to submit a legal agreement to restrict the issue of car parking permits for the future residents of the proposed residential accommodation. However, no signed, dated and witnessed planning obligation to secure any necessary restrictions has been provided with the appeal. As such the development would fail to promote a sustainable pattern of development in the borough, and would not reduce dependence on the private motor car, contrary to policies D4, T1, T6 and T7 of the LP.

Conclusion

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

C Hall

INSPECTOR