



Appeal Decision

Site Visit made on 5 May 2021

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2021

Appeal Ref: APP/N5660/W/20/3253646

3 Knollys Road, LONDON, SW16 2JJ

- 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 Iqbal Khan against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/03471/FUL, dated 19 September 2019, was refused by notice dated 6 December 2019.
 - The development proposed is described as construction of a new house on vacant land at 3 Knollys Road SW16.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of the application the description of development appears to have been revised by the parties. In the interests of clarity, and as it best reflects the proposal before me, I have taken the description of development from the Council's decision notice and the appeal form rather than that found on the original application form. These documents describe the development as demolition of the existing side conservatory and erection of a 3 storey dwelling adjacent to the existing property, together with provision of cycle and refuse storage.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area in respect of landscaping and the effect on existing site trees; and
 - the effect of the proposal on the operation of the highway with particular regard to parking; and
 - the effect of the proposal on the provision of amenity space at 3 Knollys Road; and
 - whether or not the proposal would provide satisfactory living conditions for future occupiers of the proposed dwelling with particular regard to amenity space; and
 - whether or not the proposal would make an appropriate contribution to affordable housing.

Reasons

4. The appeal site is a broadly triangular plot of land adjacent to the main dwelling at No 3 Knollys Road. The site is an area of garden space with mature planting around the perimeter and some areas which have been hard surfaced. The appeal site includes an existing conservatory to the side of No 3 and a raised semi-circular platform.
5. The proposal is for the demolition of the conservatory and platform and the construction of a three storey, three bedroom (plus study) dwelling.

Character and appearance

6. The appeal site currently hosts a number of mature trees which provide an attractive sense of greenery to the character and appearance of the area and serve to break up the built form in the area. As such, I consider that these trees have a significant landscape value and contribute positively to the character and appearance of the area.
7. The proposal suggests that a number of the existing trees would be retained and the Design and Access Statement indicates that those close to the proposed building would be protected during construction. However, limited details regarding the landscaping of the site and the protection and retention of trees of value has been provided. A number of the mature trees would be in close proximity to the proposed dwelling and boundary treatments and are highly likely to be affected by both the construction work and, in future, by the existence of the dwelling itself and the associated activities. As such, I am not satisfied that the existing trees on site would be sufficiently protected.
8. Furthermore, few details have been provided in respect of the overall landscaping of the scheme. The plans indicate a number of existing trees and an area cross hatched in green which denotes 'new landscape'. The information provided does not provide sufficient detail regarding the type of landscaping which is proposed. On the basis of these details, I am not persuaded that the proposed landscaping would be acceptable in terms of its effect on the character and appearance of the area.
9. For the reasons set out above, I consider that the proposal would cause harm to the character and appearance of the area in respect of landscaping and the effect on existing site trees. The proposal would, therefore, conflict with Policies Q9 and Q10 of the Lambeth Local Plan, September 2015 (LP). Amongst other things, Policy Q9 states that development will be supported where landscaping meets a number of criteria, including the requirement for it to retain, enhance and protect during construction those existing landscape features which are of value. Policy Q10 specifically relates to trees and outlines the requirement for proposals for new development to take particular account of existing trees on the site and sets out that development will not be permitted which would result in the loss of trees of significant value or give rise to a threat, immediate or long term, to the continued wellbeing of such trees.
10. I acknowledge the appellant's suggestion that further information could be secured through the use of a suitably worded planning condition. However, in this instance I have little evidence before me to indicate that such a condition would be possible to successfully mitigate the harm I have identified.

Parking

11. The appeal documents differ in respect of their assessment of the Public Transport Accessibility Level (PTAL) rating of the area; the appellant indicates that the site is in an area with a PTAL rating of 4 indicating that there is a good level of public transport connectivity in the area, whereas comments submitted on behalf of Transport Lambeth state that the site has a score of 2 which they consider poor.
12. The Lambeth Parking Survey Guidance Note, 2012 (LPSGN) states that ordinarily the planning department will not validate a residential planning application without a parking survey. Though I note that this was not the case in this instance the Council are, nevertheless, clear in their view that such a survey is required in order to allow an assessment of the effect of the proposal on parking stress in the area.
13. There is a bus stop in close proximity to No 3 and the proposal includes the provision of on-site cycle parking. However, at the time of my site visit I observed that Knollys Road, and the surrounding roads, were heavily parked on both sides of the road with very few spaces remaining available. The addition of a three bedroomed dwelling and the potential associated additional vehicles would lead to an increase in parking stress within the area.
14. As such, and given the discrepancy regarding the PTAL rating of the site, I consider that without further exploration and potential mitigation, the proposal would have an adverse effect on the operation of the highway with particular regard to parking. Consequently, the proposal would fail to accord with Policy T6 of the LP which states that planning applications will be supported where they do not have unacceptable transport impacts, including cumulative impacts on on-street parking.

Amenity space at 3 Knollys Road

15. The proposal would be constructed within the existing garden of the dwelling at No 3 Knollys Road. Policy Q14 of the LP states that the Council does not consider gardens to be potential development sites and goes on to indicate that development in gardens has the potential to erode their amenity value and habitat value and new buildings within garden areas will only be supported where a significant proportion (no less than 70%) of the existing garden is retained with the host building. In this instance, the Council's calculations, which do not appear to be disputed by the appellant, indicate that only around 18% of the original garden would be retained by the host dwelling. As such, the proposal would conflict with Policy Q14 of the LP.
16. The garden area is apparently disused and, at the time of my site visit, was largely overgrown with significant amounts of litter. Though I acknowledge that the garden area is not currently a space which appears to be well used, it remains possible for those residing within No 3 to utilise the space as an area of outdoor amenity space. Moreover, even if the current residents of No 3 do not make use of the garden space, future occupiers of the property may have different requirements. I consider that the loss of such a large percentage of the available garden space would have a significantly detrimental impact on the living conditions of the occupiers, both existing and future, of 3 Knollys Road.

17. I note that the proposed dwelling would be constructed over the footprint of the existing conservatory. However, the sub-division of the site would, nevertheless, result in an unacceptable reduction in the amount of garden space for the residents of No 3.
18. The appeal site is in close proximity to an area of public open space. However, this space is by its very nature public rather than private space and would not compensate for the lack of external private amenity space in this instance.
19. For the reasons set out above, the proposal would result in an unacceptable loss of the provision of amenity space at 3 Knollys Road contrary to Policy Q14 of the LP. The material considerations set out above would not be sufficient to warrant a departure from the policy requirements within the adopted development plan in this instance.

Living conditions for future occupiers

20. The proposed plans indicate that the dwelling would be surrounded on three sides by a landscaped area. However, it would appear that much of this space would be enclosed only by a new low brick wall along the front boundary of the site. The Council state that they calculate the enclosed area of private amenity space would be around 16.5sqm. The evidence before me indicates that the appellant does not appear to dispute this figure.
21. Policy H5 of the LP states that for new houses 30m² private amenity space per house should be provided. As such, I consider that the proposal would fail to comply with this policy.
22. I note that the proposal would include additional amenity space than the approximate 16.5sqm which would be privately enclosed. However, this space would be in close proximity to the highway and screened only by a low level wall, as such, in my view, the space would be highly overlooked and would not provide usable private garden space for the occupiers of the proposed dwelling. As stated above, I acknowledge that the appeal site is close to a public park. However, for the reasons I have previously explored this space would not compensate for the lack of external private amenity space.
23. I therefore consider that the proposal would fail to provide satisfactory living conditions for future occupiers of the proposed dwelling with particular regard to amenity space. The proposal would conflict with Policy H5 of the LP which sets out the expected standards for external amenity space.

Affordable housing contribution

24. Policy H2 of the LP sets out the Council's expectations with regards to delivering affordable housing. Criterion (a)(ii) of Policy H2 states that on sites providing fewer than 10 units a financial contribution towards the delivery of off-site affordable housing will be sought in line with the Council's preferred methodology.
25. There is a dispute between the parties in respect of whether or not a contribution is required in this instance. The Council suggest that the calculations provided by the appellant at application stage which suggested that the development could not viably make a contribution to affordable housing were erroneous as they were based on incorrect information. Instead, the Council hold that they believe the scheme could viably provide a

contribution of approximately £75,000 towards affordable housing. The appellant's evidence at appeal stage does not enter into details regarding viability but rather focuses on the principle of whether a contribution should be required.

26. On the basis of the evidence before me, I am of the view that the proposal would indeed fall within the scope of Policy H2 (a)(ii) and should be required to make a contribution in line with the Council's methodology. I have been provided with limited details in respect of the viability of such a contribution. For these reasons I consider that the proposal would not make an appropriate contribution to affordable housing and would conflict with Policy H2 of the LP in this regard.

Other Matters

27. I note that in some respects the design of the proposed dwelling is considered acceptable and would sit comfortably within its context. I also acknowledge that the dwelling would provide some, limited, benefits for example by providing a new family home. I also acknowledge the economic benefits of engaging local professionals, trades and suppliers and the ongoing benefit of the occupiers of the proposed dwelling utilising local facilities. These benefits are, however, limited by the small scale of the proposal and must be considered in that context.
28. Whilst the appellant makes reference to the existence of a number of other properties which they indicate could be considered similar, each case must be determined on its individual merits and the circumstances in each case are likely to be different. Though I have been provided with limited details regarding the other schemes, two of the examples cited are for side extensions and not new dwellings. Furthermore, several of these cases were granted permission some time ago and appear to have been determined within a different policy context.
29. I have given careful regard to all of the above considerations. However, none are sufficient to dissuade me from the conclusions I have reached that the proposal would cause harm to the character and appearance of the area, have an adverse effect on the operation of the highway with particular regard to parking, result in an unacceptable loss of the provision of amenity space at 3 Knollys Road, would fail to provide satisfactory living conditions for future occupiers and would not make an appropriate contribution to affordable housing.

Conclusion

30. The proposal would not accord with the development plan when it is considered as a whole and I have not identified any material considerations which indicate that the appeal should be allowed. For the reasons given above I conclude that the appeal should be dismissed.

L J O'Brien

INSPECTOR