



Appeal Decision

Site Visit made on 19 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/20/3255202

556 Streatham High Road, LONDON, SW16 3QG

- 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 Syed Amed against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/03772/FUL, dated 11 October 2019, was refused by notice dated 9 January 2020.
 - The development proposed is described as 'retention of self contained 1 bed dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit the proposed development had been constructed. Whilst the development generally appeared to have been constructed in accordance with the plans before me, for the avoidance of doubt, I have determined this appeal on the basis of the submitted plans.
3. I note that the appellant states that they believe the property has been in continuous use as a dwelling since 2014. This appeal relates to an application for planning permission and I have determined it on this basis; any consideration of whether or not the building has been in continuous use as a self-contained dwelling falls outside of the scope of this appeal. Should the appellant wish to pursue this avenue a separate application for a Lawful Development Certificate should be submitted to the Council for consideration.

Main Issues

4. The main issues are:
 - whether or not the proposal would provide satisfactory living conditions for future occupiers with particular regard to the size of habitable rooms, the provision of amenity space, outlook and light; and
 - whether or not the proposal would provide satisfactory arrangements for refuse storage; and
 - whether or not the proposal would make an appropriate contribution to affordable housing; and
 - the effect of the proposal on the operation of the highway with particular regard to parking.

Reasons

Living conditions

5. The proposed dwelling would be largely open plan with a kitchen/living room, a bedroom and a shower room. The Council indicates that the unit would have a Gross Internal Floor Area (GIA) of approximately 30.9sqm and the appellant does not appear to dispute this figure.
6. Policy D6 of the London Plan, 2021 (London Plan) states that housing development should be of a high quality design and provide adequately-sized rooms. The minimum internal space standards for new dwellings are set out in Table 3.1 which accompanies Policy D6. The table indicates that a one bedroom, one storey, one bedspace dwelling should provide a minimum GIA of 39sqm (or 37sqm if the unit has a shower room rather than a bathroom).
7. The proposal before me would fall significantly short of the 37sqm GIA set out within the London Plan. Indeed, during my site visit, I observed that the unit appeared small and cramped. Furthermore, Policy D6 of the London Plan states that an additional minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings unless there are higher local standards. In this instance, Policy H5 of the Lambeth Local Plan, September 2015 (LP) states that 10m² should be provided. The proposal would have no access to external private amenity space.
8. Moreover, the dwelling would have only two fairly small windows; one in the kitchen area and one in the bedroom. The kitchen window would allow limited views into a small courtyard area and its surrounding walls. The bedroom window, at the time of my site visit, was blocked by a large appliance (apparently a fridge/freezer) which, to my mind, further demonstrates the constrained size of the dwelling. Should the window not have been blocked it would, in any event, offer views directly towards a stark brick wall at extremely close proximity. I consider that the outlook from the proposed dwelling would be oppressive and would lead to an excessive sense of enclosure for occupants of the dwelling.
9. Additionally, as a result of the small number of windows and the enclosed nature of the building, the levels of light reaching the internal spaces of the dwelling would be poor and would not provide a satisfactory living environment for future occupiers.
10. For the reasons set out above, the proposal would fail to provide satisfactory living conditions for future occupiers with particular regard to the size of habitable rooms, the provision of amenity space, outlook and light. Consequently, the proposal would conflict with Policy D6 of the London Plan which sets out minimum space standards and also states that development should provide sufficient daylight and sunlight. The proposal would also fail to comply with Policy H5 of the LP. Amongst other things, this policy requires new residential development to accord with the principles of good design and to provide sufficient external amenity space. I have also identified conflict with Policy Q2 of the LP which states that development will be supported if adequate outlooks are provided avoiding, where possible, any undue sense of enclosure.

Refuse

11. The proposed plans and associated documentation do not indicate any arrangements for a refuse enclosure on site. I have not been provided with any evidence to indicate how or where refuse could be stored effectively. The location of the appeal site is such that options are limited and, on the basis of the evidence before me, I am not satisfied that a satisfactory means of refuse storage could be provided.
12. At the time of my site visit I observed several black bags of waste and a significant amount of litter in the immediate vicinity of the appeal site. Though I acknowledge that these may not be associated with the proposed dwelling, in my view, the lack of a refuse enclosure on site would be highly likely to result in refuse and recycling being deposited outside of the entrance to the dwelling and exacerbating an already undesirable situation. This would further contribute to the creation of an unsightly and unhygienic environment.
13. As such, I consider that the proposal would fail to provide satisfactory arrangements for refuse storage and would conflict with Policy Q12 of the LP which states that adequate refuse and recycling storage should be provided for all development.

Affordable housing contribution

14. 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.
15. The Council state that the small sites calculator provided by the appellant at application stage was incomplete and did not provide evidence to indicate that the maximum reasonable provision would be provided or that such a contribution would make the development unviable.
16. On the basis of the documentation before me, I am of the view that the proposal would 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 evidence in respect of the details of, or 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.

Parking

17. The appeal site is situated in a location with a high level of accessibility to public transport and is in close proximity to local facilities. No off-street parking is proposed. The Transport Officers did not raise any objection to the proposal as they believed there would be no severe or significant highways impacts. The appeal site is not currently within a CPZ and, though the Council suggest that they have an ongoing expansion programme and may implement a CPZ in future, I have little substantive evidence to suggest that such a CPZ is specifically likely in this area. However, the Council have included the lack of a section 106 obligation preventing future occupiers from applying for a parking permit as a reason for refusal.

18. At the time of my site visit I observed that, whilst nearby streets were fairly heavily parked, a number of opportunities for on-street parking remained available nearby. I have not been provided with any detailed information regarding parking stress in the area. I therefore consider that, due to the small scale of the proposal and on the basis of the evidence before me, the proposal would not exacerbate on-street parking stress or have an unacceptably detrimental impact on parking provision or on the operation of the highway.
19. Consequently, the proposal would 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. The proposal would also comply with Policy T7 of the LP which states that development should provide car parking within the maximum standards of the London Plan, reflecting the public transport accessibility of the development site.

Other Matters

20. I note the appellant's statement that the property has been in continuous use since 2014 and acknowledge that the dwelling would provide some, limited, benefits for example by providing a new home. I also acknowledge the economic benefits 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.
21. 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 fail to provide satisfactory living conditions for future occupiers, fail to provide satisfactory arrangements for refuse storage and would not make an appropriate contribution to affordable housing.

Conclusion

22. 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