



Appeal Decision

Site visit made on 16 November 2021

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2021

Appeal Ref: APP/N5660/W/20/3247730
108 Salter's Hill, Lambeth SE19 1EA

- 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 Jaget Ramtahal against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/02035/FUL, dated 5 June 2019, was refused by notice dated 14 January 2020.
 - The development proposed is a two storey attached new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The London Plan (LP) 2021 was adopted on 2 March and supersedes the London Plan 2016 (with Consolidated Alterations since 2011). On 20 July 2021, a revised National Planning Policy Framework (the Framework) was published. A request was made for the submission of the structural survey, referenced in the appeal documentation, which related to the two storey extension attached to the dwelling. The comments of main parties on these matters have been considered in this decision where correspondence has been submitted.

Main Issues

3. The main issues are the effects of the proposal on (a) the living conditions of the occupiers of the existing and proposed dwelling, having regard to internal space and access for people with disabilities, (b) the provision of affordable housing and (c) the character and appearance of the area.

Reasons

Living conditions

4. The proposal would result in the demolition of an existing two storey extension and replacement with an attached two storey dwelling.
5. New LP Policy D6 requires all housing development to be of a high quality design and provide adequately-sized rooms, with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. Dwellings must provide at least the gross internal floor areas and built-in storage areas set out in a table connected with the policy. Additionally, the policy requires double/twin bedrooms and single

- bedrooms to have minimum floor areas and widths for double/twin and single bedrooms.
6. Policy H5 of the Lambeth Local Plan (LLP) 2021 requires new residential development, including new build dwellings, to accord with the principles of good design. LLP Policy Q1 seeks to ensure inclusive environments for all, compliant with current best practice and that development design should reflect good practice principles for promoting child-friendly housing and environments.
 7. The new dwelling would comprise a double/twin bedroom and a single bedroom at the first floor. As such, it is a 2 bed 3 person two storey dwelling. The Council and the appellant have indicated that the gross internal floorspace area of this dwelling to be approximately 68 sqm and 64 sqm respectively. Even taking the higher figure, the floorspace would be below the 70 sqm standard set out in LP Policy D6 and its table. For the floorspace area of the single bedroom, the appellant has indicated a higher figure of approximately 7 sqm than the Council but this is still less than the required 7.5 sqm standard set out in LP Policy D6, although its width does comply with the policy. Consequently, the new dwelling would fail to provide acceptable internal living conditions for occupants, taking into account the requirements of LP Policy D6.
 8. For storage, the Council has calculated the loft floorspace area to be 3.6 sqm, with height varying between 1.1m and 2.2m. Under the LP Policy D6 and its table, an area of 2 sqm is required and any storage area with a headroom of between 0.9-1.5m, has to be discounted by 50 per cent. Based on the plans, the storage areas would be acceptable.
 9. The existing dwelling has an extension. Its first floor was intended to comprise two double/twin bedrooms and a single bedroom. It would provide more spacious accommodation for the existing dwelling. However, the effect of the proposal on reducing the spaciousness of the existing dwelling, as extended, cannot be considered. In this regard, there has been no contrary evidence to dispute the conclusions of the appellant's structural report that the extension is unsafe and in effect, uninhabitable. On this basis, the new dwelling would not make the internal space standard of existing accommodation any worse.
 10. LP Policy D7 requires dwellings to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. The new house would provide disabled access requirements through a ramped access at the front entrance, having a ground floor WC and provide space for potential lift provision. Taking this into account, it has not been demonstrated that building regulation compliance cannot be achieved, even after considering the area of internal space.
 11. Notwithstanding these matters, the internal floor space area of the new dwelling, along with its single bedroom, would be unacceptable for residents for the reasons indicated. Accordingly, the proposal would conflict with Policies D6 and D7 of the LP and Policies H5 and Q1 of the LLP.

Affordable housing

12. LP Policy H4 and LLP Policy H2 seek the provision of affordable housing to address housing need. LLP Policy H2 refers to sites providing fewer than 10 units generating a financial contribution towards the delivery of off-site affordable housing. The level of affordable housing need in the borough is

substantial, as set out in the Council's Local Housing Needs Assessment of 2012 and its Strategic Housing Market Assessment 2017. The Lambeth Local Plan Small Sites Affordable Housing Policy: considerations for planning decision makers (2017) indicates that sites of less than 10 residential units make a significant contribution to housing supply and as a result, their potential to capture affordable housing provision is important.

13. The Appellant's Small Sites Affordable Housing Contribution Viability Test assessment is incomplete. It does not detail required CIL amounts, average affordable housing sale price per sqm and the relevant contribution amount has not been derived. The Council's equivalent calculation found that a payment of approximately £55,000 was payable by providing the missing information that was not provided in the appellant's test. In their calculation, the sale price, construction costs and existing use value that the appellant provided were not disputed.
14. No comment has been made on the Council's test assessment and there is no planning mechanism before me setting out how a financial contribution is to be paid. On the basis of the evidence, it has not been demonstrated that the development should not make an affordable housing contribution. Accordingly, the proposal would conflict with Policy H4 of LP and Policies H2 and D4 of LLP.
15. The Framework states that the provision of affordable housing should not be sought for residential developments, that are not major developments, other than in designated rural areas. However, the Council has detailed acute housing affordability issues within the borough and the important role of small sites in providing a significant proportion of housing. As a consequence, there is justification to seek affordable housing provision on small schemes, such as this. Therefore, the conflict of the proposal with the development plan policy would outweigh the national policy, that requires no provision to be made, in this instance. Accordingly, the proposal would not be acceptable in planning terms due to the lack of affordable housing provision.

Character and appearance

16. The application site comprises land to the side of an end of terrace house on Salter's Hill and is opposite Norwood Park. The dwelling's design would match that of its modern architecture neighbours, with their distinctive saw-tooth roof profile.
17. The dwelling would infill a space between the end of the dwelling and neighbouring railway land. However, the high dwelling density estate is not characterised by spaciousness and openness. Although the site is one of the few spaces within the estate, there is already an extension within this space and the dwelling would not be significantly greater in size and footprint.
18. For all these reasons, the development would not harm the character and appearance of the area. Accordingly, the proposal would accord with Policy Q14 of LP.

Conclusion

19. The development would harm the living conditions of future residents, having regard to the provision of internal living space, and would fail to provide affordable housing. Accordingly, the proposal would conflict with the amenity and housing policies of the LP and LLP, and the development plan taken as a

whole. There are no material considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and therefore, planning permission should be refused.

20. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR