



Appeal Decision

Site visit made on 21 January 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2022

Appeal Ref: APP/N5660/W/21/3279331

316 Coldharbour Lane, London SW9 8SE

- 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 Stern against the decision of London Borough of Lambeth.
 - The application Ref 20/03618/FUL, dated 5 October 2020, was refused by notice dated 3 February 2021.
 - The development proposed is described as the refurbishment of existing property and addition of part two/part three storey rear extension with further excavation of basement providing 3no. flats.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the original decision the Council have adopted the Lambeth Local Plan (2021). This replaces the Lambeth Local Plan (2015) and the Draft Revised Lambeth Local Plan (2020) such that the policies of those plans cited on the decision notice are no longer part of the development plan and have no weight. I have therefore considered the relevant policies within the Lambeth Local Plan (2021).
3. On 20 July 2021, the Government published its revised National Planning Policy Framework ('the Framework'). It replaces the previous version published in February 2019. The Framework represents the Government's up-to-date planning policies for England and how they should be applied. I have had regard to the Framework in reaching my decision.
4. Since the original decision The London Plan 2021 has been published by the Mayor of London. The policies contained in The London Plan 2021 replace those of The London Plan 2016 referred to in the Council's report and as such those policies are no longer relevant.
5. I have also dealt with another appeal (Ref: APP/N5660/W/21/3279370) on this site. That appeal is the subject of a separate decision.
6. The Council have commented that the property has an original floor area of 138sqm, thus exceeding the threshold of 130sqm in Policy H6 to protect family sized housing, and therefore their first reason for refusal should be updated to remove reference to the loss of family sized accommodation. I have no reason to form a different view.

Main Issues

7. The main issues are 1) whether the proposed rear extension including roof terrace would preserve or enhance the character and appearance of the Loughborough Park Conservation Area (LPCA), 2) whether the proposed development would provide acceptable living conditions for future occupants with specific regard to amenity space, outlook and levels of daylight and sunlight, 3) the effect of the proposed roof terrace on the living conditions of the occupants of 314 Coldharbour Lane with regard to privacy, 4) the effect of the proposed development on highway safety and sustainable travel choices with regard to parking, and 5) whether suitable provision has been made for cycle parking and refuse storage.

Reasons

Character and appearance of the LPCA

8. The appeal property is a two-storey terrace property that includes a basement and mansard roof level, giving accommodation over 4 floors. It is located on a terrace of similar properties that are notable for their decorative door and window surrounds to the ground floor, large first floor window openings, railings to the front and mansard roofs and basement levels. The appeal site is located on a busy road that leads to Brixton town centre and there are various uses in the immediate area, with a predominant residential use. The appeal property is currently vacant and in a significant need of repair to the extent that it adversely impacts on the character and appearance of the area.
9. The appeal site is located within the Loughborough Park Conservation Area (LPCA) which is characterised by its grand residential properties surrounding Loughborough Park. The terrace on which the appeal property is located, and particularly its frontage onto Coldharbour Lane, positively contributes to the character and appearance of the LPCA.
10. The proposed development includes a rear extension to the property. I observed on my site visit that both adjoining properties have rear extensions of varying scale and design. The proposed extension would be part two, part three storeys and include a roof terrace on top of the flat roof to be accessed via the mansard roof. It would comprise a white render finish.
11. Given its location to the rear of the property, the extension would not be visible from public vantage points on Coldharbour Lane, nor would it alter its frontage. It would be visible from the rail line to the rear of the site. To a large extent, the proposed extension, including the roof terrace and the use of white render, would replicate the extension to the adjoining property at no. 318. I do not however consider that the extension to the adjoining property to positively contribute to the character and appearance of the LPCA. It serves to demonstrate the harm that can be caused through inappropriately sized and designed extensions and should not be used as a justification to allow any further harm to be caused.
12. I consider that due to its overall height, scale and mass, spanning almost the entire width of the property on all levels, the proposed extension would not appear subordinate and would dominate the property. Due to its design, and the use of white render, it would appear as an incongruous addition to the property. The roof terrace would appear prominent, with the proposed doors

leading onto it being out of character with the approach to roof alterations on the terrace.

13. The proposed development would therefore be contrary to Policies Q5, Q11 and Q22 of the Lambeth Local Plan (2021). These policies require, amongst other things, that: the local distinctiveness of Lambeth should be sustained and reinforced; proposals should have a design which positively responds to the original architecture of the host building and other locally distinct forms (such as group characteristics); be subordinate and not unacceptably dominate the host building; and that development proposals affecting conservation areas will be permitted where they preserve or enhance the character or appearance of conservation areas by respecting and reinforcing the established, positive characteristics of the area.

Living conditions – future occupants

14. Policy H5 of the Lambeth Local Plan (2021) sets out the need for new residential development to meet minimum space standards. The Council have commented that due to the size of the bedroom, Flat B would constitute a 1 bed/2-person unit, that should be at least 50sqm in area, as opposed to the 37.8sqm that is proposed. I consider that Flat B, which bizarrely has its main entrance leading directly into a bedroom, would, due to its overall area, provide substandard living conditions that would be required for two persons. I find that this harm would be relatively minor.
15. The Council have also referred to the floor area of Flat C, which at 81sqm would not comply with the minimum floor area for a 3 bed/4-person unit over 2 storeys of 84sqm. Despite the minor shortfall, I find that acceptable living conditions in relation to the size of the unit would exist and the minor difference would not result in substandard living accommodation being provided.
16. Flat A is proposed within the basement level. Due to the depth beneath ground level, combined with the size of the windows and the position of retaining walls, when taken as a whole, this unit would provide unacceptable outlook for future occupants. Combined with the likely low levels of daylight and sunlight, it would create oppressive living conditions for future occupants.
17. Policy H5 also sets out that for new flatted developments, amenity space should be provided to the following quantities: 10m² per flat either as a balcony/terrace/private garden or consolidated with communal amenity space. The proposed development comprising all flats would comply with the requirement of the policy. The policy does outline that family sized units, should preferably have direct access to a garden, however I observed on my site visit that the property is located in a relatively dense urban area, where there are public parks, most notably Loughborough Park close to the appeal site.
18. The Council consider that the shape of the proposed rear gardens would make them unusable. Although they are relatively narrow, given the size of the units they are intended to serve, I consider they would provide a reasonable size space for planting and sitting, despite also being identified for cycle and refuse storage.

19. I therefore find that the proposed development would not provide acceptable living conditions for future occupants in relation to outlook and levels of light to Flat A, with a minor degree of harm caused due to the substandard size of Flat B. The proposed development would therefore be contrary to Policies H5, H6 and Q2 of the Lambeth Local Plan (2021) which require, amongst other things, that new residential development meet minimum space standards, provide high quality accommodation, and that adequate outlooks are provided.

Living conditions – neighbouring occupants

20. The proposed development includes the provision of a roof terrace on top of the proposed rear extension. This would be accessed via a new doorway located in the existing mansard roof.
21. Due to its projection from the rear of the property and low-level balustrade, the roof terrace would permit views into, what the Council identify as, habitable room windows within the mansard roof of no. 314. This would result in an unacceptable level of overlooking, and perception of overlooking, leading to a significant loss of privacy.
22. An obscure glazed balustrade is proposed which would partially restrict views from the roof terrace into neighbouring properties when seated. Although this could be secured by condition, I consider that it would, however, only marginally alleviate the harm that I have identified, which, given the height of the balustrade would not prevent future occupants standing at the edge of the roof terrace with views towards the mansard roof windows of no. 314.
23. The proposed roof terrace would therefore have an unacceptable impact on the living conditions of the occupants of 314 Coldharbour Lane with regard to privacy. It would be contrary to Policy Q2 of the Lambeth Local Plan (2021) which requires, amongst other things, that the provision of outdoor amenity space does not create an unacceptable loss of privacy.

Highway safety and sustainable travel choices

24. The appeal property has no existing off-street parking, and none is proposed. Permit parking is available on-street in front of the appeal property, which, at the time of my mid-morning site visit was almost at full capacity. The appeal site is identified as having a very good Public Transport Access Level 5 (PTAL) rating and is within a Controlled Parking Zone (CPZ).
25. The current on-street parking did not appear to create any conditions that were detrimental to highway safety, and there is no substantive evidence before me to suggest that were future occupants allowed to obtain permits that this would cause demonstrable harm to highway safety.
26. Policy T6 (d)(i) and (iii) inclusively state that developments should be permit free where the development has a PTAL of 4-6 and/or where the development falls within an existing or planned controlled parking zone, car-free; and that developments make car club membership available to all residents in new residential development and should promote and provide for car club membership or car pool schemes in place of private parking. Policy H6(v) also states that for residential conversions, where a CPZ is in place, no additional car parking permits will be issued to any occupiers of additional housing units created through the conversion.

27. The reason for controlling and managing the availability of parking, including on street parking is to promote sustainable travel and decrease car usage. The provision of, or contribution to, car club membership provides access to a more sustainable means of car use.
28. The appellant has outlined that they are willing to enter an agreement to restrict future occupiers from obtaining parking permits and provide car club membership. No agreement or undertaking is however before me. The appellant has commented that the LPA failed to provide details of and enter into such an agreement.
29. The Council suggest that an agreement would only be entered into if the proposed development was considered to be acceptable and recommended for approval. I accept the Council's stance as it relates to their consideration of the planning application, however this would not prevent their involvement in the preparation of an agreement for the appeal. Equally, there are other routes available to the appellant to provide a commitment to such an undertaking.
30. Regardless, the fact remains that there is no agreement or undertaking before me as part of the appeal. Even if the appellant experienced a lack of communication with the Council, it would not provide a reason to allow the appeal on this basis.
31. I acknowledge that the development would include the provision of cycle parking and that this would represent a sustainable travel choice. This is however a requirement in its own right and, in this case, should not be taken as a substitution to the requirements relating to parking permits and car club membership outlined above.
32. Therefore, although I do not consider that the proposed development would lead to conditions that would be harmful to highway safety, in the absence of an appropriate commitment, the proposed development would fail to promote sustainable travel choices. It would therefore be contrary to Policies T6 and H6 of the Lambeth Local Plan (2021) that, amongst other things, require development to provide sustainable travel choices through controlling parking and provide for car club membership.

Refuse and cycle storage

33. Policy H6(iv) outlines that for residential conversions to be acceptable they must provide adequate cycle parking and refuse storage arrangements.
34. Refuse storage and cycle parking for Flats A and B is proposed to be located at the foot of each respective garden. This would provide access to the back lane which in turn leads to the front of Coldharbour Lane. Although further detail in relation to the specific method of securing cycles could be secured by an appropriately worded planning condition, I consider that the indicated refuse storage and cycle parking for Flats A and B to be acceptable.
35. The refuse storage and cycle parking for Flat C is proposed to be located on the second-floor roof terrace. This would require future occupants to haul cycles and refuse storage containers up and down external and internal stairs. This would be a wholly impractical and unacceptable arrangement.
36. I therefore conclude that, in relation to Flat C, unacceptable refuse storage and cycle parking arrangements are proposed. The development would therefore be

contrary to the requirement outlined in Policies H6, Q12 and Q13 of the Lambeth Local Plan (2021) that adequate cycle parking and refuse storage is provided in residential conversions, refuse storage be conveniently located for users, and cycle storage in all development (including conversions) should be directly and conveniently accessed from outside the building.

Other Matters

37. The appellant has referred to an appeal decision¹ which they consider has similarities with the current appeal. The proposed extension in that appeal is markedly different to that in the current appeal. Also, that appeal, however, only has the matter of character and appearance as its main issue. Unlike this appeal, it does not include the matters of living conditions, highway safety or sustainable travel as main issues and therefore in this regard, it is of limited weight.
38. The Government's objective as set out in the Framework is to support housing growth. Although the proposed development would result in only a slight increase in the Council's overall housing number, this is nevertheless a factor of significant weight in favour of the proposed development.

Planning Balance and Conclusion

39. Having regard to paragraph 202 of the Framework, I find that the harm to the LPCA is relatively localised, with limited visibility, and therefore the proposed development would cause less than substantial harm to the significance of the designated heritage asset. I do not, however, find that this harm is outweighed by the public benefits of the proposed development in terms of bringing a vacant property, in need of significant repair, back into use, or the provision of additional dwellings.
40. The proposed development would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.
41. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR

¹ APP/N5660/D/17/3181030