



Appeal Decision

Site visit made on 23 February 2022

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2022

Appeal Ref: APP/N5660/W/21/3281575

Leigham Hall Parade, Streatham High Road, London, SW16 1DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Beazer Investments Ltd against the decision of London Borough of Lambeth.
 - The application Ref 21/00295/OUT, dated 14 April 2021, was refused by notice dated 8 June 2021.
 - The development proposed is construction of flats on air space above existing mixed use blocks.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline with all matters reserved for future consideration except for "access".
3. Planning Practice Guidance¹ (PPG) states "*where details have been submitted as part of an outline application, they must be treated by the LPA as forming part of the development for which the application is being made. Conditions cannot be used to reserve these details for subsequent approval. The exception is where the applicant has made it clear that the details have been submitted for illustration purposes only*".
4. Drawings submitted with the application show how the proposal may be laid out with 6 flats on the roof to the southern of two blocks and 2 flats to the northern block within roof extensions and the conversion of a rooftop office to the southern block. They have not been marked "for illustration purposes only". I have therefore followed the Council's approach and had regard to their detail as part of the proposal.
5. Access can be defined as "*the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network*".² The red line defining the appeal site has been drawn tightly around just the two buildings. The Design and Access Statement comments that vehicular access would be gained from Streatham High Road with parking spaces available at the rear of Leigham Hall, but this area would be beyond the red line. The appellant's appeal submissions infer that the development would be car free.

¹ Planning Practice Guidance Reference ID: 21a-005-20190723

² Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015

6. Subsequent to the determination of the planning application the Council has adopted the Lambeth Local Plan (2021) (LLP). Its policies supersede those of the 2015 Lambeth Plan and now attract full weight.

Main Issues

7. The main issues are (a) the adequacy of the access arrangements, (b) the effect of the proposal on the character and appearance of the area and on a conservation area, (c) the suitability of the proposed unit mix, (d) the adequacy of living conditions for future occupiers in relation to unit size, light, outlook and amenity space provision, (e) the impact on living conditions of occupiers of adjacent dwellings and (f) the implications of the proposal for car parking, cycle storage and refuse and recycling storage.

Reasons

Access arrangements

8. Both buildings are arranged over 6 floors with commercial uses at the front at ground floor level. Access to the flats above is via two staircases at the rear of the southern block and one to the rear of the northern block. There is also an entrance to the southern block from the return frontage to Leigham Avenue which includes a lift.
9. The proposal is to continue the existing access points to the new rooftop units. Flat 1 and Flat 8 (the converted warden's office) would benefit from lift access but the drawings imply that the other flats in the southern block would have only staircase access. Even if access arrangements were to be changed to clearly show lift access to all new units in the southern block, there would still only be staircase access to the two flats shown to the northern block.
10. Construction of the existing flats with just staircase access would have pre-dated modern access requirements; it would be unreasonable to now require occupiers of the new flats to climb an additional sixth flight of steps to access the dwellings. The proposal would be contrary to Policy D7 of the London Plan (2021) requiring new dwellings to be 'accessible and adaptable'. Supporting paragraph 3.7.6 states that in exceptional circumstances provision of a lift to dwelling entrances may not be achievable, but only in blocks of four storeys or less. The proposal also conflicts with Policy Q1 of the LLP on inclusive environments and seeking improvements to existing accessibility provision.

Character and appearance

11. Leigham Hall Parade is a pair of purpose built apartment blocks with street level shops, positioned either side of the entrance to Streatham Court, a residential block to the rear. There are buildings of similar or lower massing to both sides of Streatham High Road. The appeal buildings are within the Streatham High Road and Streatham Hill Conservation Area (SCA).
12. Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The significance of the SCA lies in the architectural quality of the commercial and residential buildings along this north-south transport corridor. The appeal buildings' brick facades have full height bays of windows and tall arched windows to light the staircases. They make a positive contribution to the SCA.

13. The proposed roof additions are shown to be set back from the front and rear walls with a low profile flat roof. They would not readily be seen from street level close to the building but would be visible in longer views along Streatham High Road. The warden's office is a prominent corner feature in views from the south at the junction with Leigham Avenue. The roof additions to the southern block would be conspicuous either side of this, and the roof addition to the northern block would be conspicuous from the north as the road is relatively straight here. Leigham Hall Parade are amongst the highest buildings along Streatham High Road.
14. In diagonal views from the western side of Streatham High Road, the array of window openings to the roof additions would appear to be unrelated to and unsympathetic with the existing bold regular pattern of fenestration. Paragraph 199 to the National Planning Policy Framework (the Framework) states, "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation*". The submitted drawings lack detail to provide assurances on the appellant's assertions about good architecture and appropriate design.
15. The proposal would have a negative impact on the significance of the SCA. It would not therefore preserve its character and appearance. There would be conflict with requirements of the special duty set out in paragraph 12 above.
16. Paragraph 202 of the Framework requires in cases such as this where the development proposal would lead to less than substantial harm to the significance of a designated heritage asset, that the harm "*should be weighed against the public benefits of the proposal*". The proposal would have the benefit of providing additional dwellings to contribute to local housing need. However, that benefit would be outweighed by the harm arising to the character and appearance of the area and to the significance of the SCA.
17. The proposal would be contrary to Policies Q5, Q8, Q11 and Q22 to the LLP which collectively require proposals to be visually attractive, to respond positively to the local context including the buildings' architecture and to preserve or enhance the character or appearance of conservation areas.

Unit mix

18. The proposed roof plan shows a layout of 7 one bedroom new build flats and a conversion of a warden's office to form a studio unit. All would be small unit accommodation whereas Policy H4 of the LLP expects market housing to provide a balanced mix of unit sizes, including family sized accommodation.
19. London Plan Policy H10 advocates a range of unit sizes with the appropriate mix being determined by factors including local need, the nature and location of the site and optimising housing potential. The site is in an accessible location in which a higher proportion of one bedroom units would be appropriate. But the density of the development, and the effective use and development potential of the roof area need not be diminished by some variation in the mix. Moreover, the evidence base for recently adopted Policy H4, advocates 25-60% provision for 2-bedroom units and not more than 25% 1-bedroom units. Even allowing for site circumstances, the absence of any mix in unit size to enable a concentration on 1-bedroom units would clearly be contrary to Policy H4. There would only be conflict with Policy H6 on conversions inasmuch as the single converted unit would not contribute towards an overall suitable unit size mix.

Future occupiers

20. Whilst the application is in outline, it is nonetheless appropriate to have regard to the drawings showing the layout of the flats. Policy D6 of the London Plan sets out the minimum unit sizes for residential units in London. Supporting paragraph 3.6.1 states that applicants should state the number of bedspaces/occupiers a home is designed to accommodate rather than simply the number of bedrooms. The proposed roof plan includes a table replicating information from the London Plan but does not clearly indicate the number of bedspaces.
21. Flats 1 to 7 would all have a bedroom meeting the requirement for a double bedroom at 12sqm, but would all be below the required minimum of 50sqm for a 1-bedroom 2-person flat. The appellant contends these units would all be generously sized 1-person flats, substantially over the minimum of 37sqm. But given the large size of the bedrooms, it is likely that the flats could be occupied by two people, in which case they would be under-sized.
22. The new build flats would comply with Policy H5 of the LLP in that all would be dual aspect with well lit habitable rooms, but not in relation to the provision of quality external communal amenity space. The ribbon of roof space shown around the external walls of the new units could be adapted to provide private amenity space, but the plans do not show a communal area. Land to the rear of the site indicated as possible amenity space in the Design and Access Statement would be outside the red lines defining the appeal site.
23. The converted warden's office is indicated to have a floor area of 38sqm which would be large enough for a single person flat, but the roof plan does not verify that it would be dual aspect with a satisfactory internal layout.
24. The new built flats would not provide adequate living conditions for future occupiers in relation to unit size and amenity space provision. The constraints imposed by the geometry of the roof area would not preclude internal layouts more clearly adhering to London Plan space standards. It has not been demonstrated that the converted unit would be satisfactory in relation to natural lighting and outlook. The proposal would not be compatible with London Plan Policy D6 or with LLP Policies Q2 and H5 on housing standards.

Neighbouring occupiers

25. Streatham Court is set at right angles to Leigham Hall Parade as is the adjacent residential block in Leigham Avenue. Any overlooking from rear facing windows in the roof additions would be at an oblique angle and not materially different from that with existing upper floor rear windows. There is little information on the drawings about a roof terrace, but this could be detailed or precluded via a planning condition.
26. The additions would be set back from front and rear walls and would not add significantly to the overall massing of the buildings. Having regard to the separating distances to neighbouring blocks, including the facing buildings on the western side of Streatham High Road, there would not be a material adverse impact on the living conditions of neighbouring occupiers in relation to overlooking or overshadowing of their dwellings or communal gardens.
27. The proposal would not be contrary to Policy Q2 of the LLP which requires adjoining occupiers to be protected from unacceptable levels of overlooking and impacts on levels of daylight and sunlight.

Parking and cycling

28. The site is in a location with high accessibility to public transport options. The appeal submission indicates the proposal would be car free which would be in accordance with local and London wide development plan policies supporting car free proposals in such locations. Occupiers of the 8 flats proposed would still be able to own a car and park on local streets. Whilst there is not currently a controlled parking zone (CPZ) on these streets, the streets do appear to be subject to parking stress. The Council is considering the expansion of CPZs. There is no evidence before me that these streets have the capacity to absorb any additional parking and the appellant has not entered into the legal agreement advocated by the Council to mitigate such impacts.
29. Policy T6 of the London Plan states that an absence of local on-street parking should not be a barrier to new development. But Policies T6 and T7 of the LLP are also relevant. Policy T6 states that "*planning applications will be supported where they do not have unacceptable transport impacts, including cumulative impacts on (iv) on-street parking*". Policy T7 indicates how such impacts can be mitigated, such as through car club membership schemes. The evidence available to me does not demonstrate that such measures are not necessary. The proposal would thereby be contrary to these parking policies and the more general development plan policies promoting sustainable travel.
30. London Plan Policy T5 and Policies T3 and Q13 of the LLP require development proposals to provide appropriate levels of secure cycle parking in accordance with minimum standards. The proposal is silent on cycle parking provision. If an area within the site had been identified without adversely impacting on existing cycle parking on site, then details of this could have been confirmed through a planning condition. Policy T5 specifies alternative measures where on site provision is not possible, including reallocation of space from other uses such as on-street parking; these may require payment of a commuted sum to the local authority to secure provision. In the absence of on-site and off-site cycle parking details, the proposal would conflict with Policies T3 and T5.

Refuse and recycling

31. The alley to the rear of the two buildings contains many wheeled refuse and recycling containers. The appellant contends that there is capacity here to meet the requirement for the additional 8 flats but there is no information on current provision to verify this. Planning conditions can be used to require subsequent approval of details of refuse and recycling provision where there is confidence that the necessary space is available. The level of detail in the proposal does not provide that confidence. Moreover, the alley to the rear of the building is outside the red lines declaring the appeal site. The proposal is not compatible with Policies Q12, Q22 and EN7 of the LLP on refuse and recycling provision.

Other Matters

32. The appellant has referred to five other sites as appeal precedents, but these all relate to different forms of development to the current appeal proposal and to different circumstances. Most are outside conservation areas and two relate to 'prior approval' applications considered under different legislative frameworks. Each proposal has to be assessed on its individual merits. The claimed appeal precedents carry no weight in this decision.

33. The appellant states that an outline application was submitted to establish if the proposal would be acceptable in principle. Nevertheless, an outline planning permission is the planning permission and can only be granted if there is sufficient assurance on all relevant planning considerations. The appeal proposal does not provide that assurance. It would not be possible to address all outstanding matters through the use of planning conditions.

Conclusion

34. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The proposal would not be in accordance with the development plan in the ways I have specified above. The proposal would provide additional dwellings for which there is a clear need in London and would result in a fuller use of the land, reflecting objectives set out in the Framework. But these considerations do not outweigh the harm I have identified. The proposal would not result in a well-designed place as advocated in Chapter 12 of the Framework. There are no material considerations to indicate that the proposal should be approved.
35. For the reasons given above I conclude that the appeal should be dismissed.

Rory MacLeod

INSPECTOR