



Appeal Decision

Site visit made on 29 September 2022

by L Hughes, BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th October 2022

Appeal Ref: APP/N5660/W/22/3299257

Garages to rear of 29 - 31 Richborne Terrace, London, SW8 1AS

- 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 Trokko Ltd against the decision of London Borough of Lambeth.
 - The application Ref 21/03687/FUL, dated 16 September 2021, was refused by notice dated 22 November 2021.
 - The development proposed is conversion of existing garages to the rear of 29 - 31 Richborne Terrace to provide a one bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has identified typological errors within the reasons for refusal which refer to the 2015 Lambeth Local Plan (LLP) rather than the current 2021 LLP 2020-2035, and to the National Planning Policy Framework ('the Framework') 2019 rather than the current 2021 Framework, but states that the referenced policies are similar. Policies discussed below therefore refer to the most recent versions.

Main Issues

3. The main issues are:
 - whether the development would provide acceptable living conditions for its future occupiers with regard to outlook and outdoor space; and
 - the effect of the proposed development on highway safety; and
 - the effect of the proposed development on the surrounding highway network in relation to parking and congestion.

Reasons

Living conditions

4. Richborne Terrace is a long and tall terraced row of period dwellings, with back gardens bounded at the rear by a row of varying sized garage buildings facing onto Oval Place. On the opposite side of Oval Place there is a 4 storey housing block including garages at street level. The appeal site spans the rear of No. 29 and 31 Richborne Terrace, consisting of a building containing three garages

with front garage doors. The proposal is to convert the block into a single dwelling enclosing a small outdoor courtyard, with no increase in its footprint or height.

5. There is disagreement between the parties as to whether the unit is single or dual aspect. While LLP Policy H5 and Policy D6 of the London Plan (2021) normally expect dual-aspect accommodation, they do acknowledge that exceptional circumstances may be demonstrated. The stated intent behind the promotion of dual aspect dwellings is to ensure that they have good outlook including multiple views, and sufficient ventilation, daylight, and privacy. Notwithstanding whether the appeal scheme is deemed single or dual aspect, the key point therefore is the outcome of its aspect on the future occupiers in terms of this policy intent.
6. The Council did not raise poor ventilation as a direct reason for refusal, and was satisfied there would be acceptable privacy, compliance with local internal space standards, and that the skylight windows would allow sufficient light to penetrate. I have no reason to disagree with this assessment.
7. However, I find that there would be very poor external outlook available for the future occupants. The front windows are the only ones with a direct view, but these are high level and small, and would face across Oval Place at a relatively close distance solely onto the tall housing block, which would thus be oppressive. The other external viewpoints would be either at very close range to the high internal courtyard wall, or oblique views of only the tops of surrounding buildings or sky, resulting in a feeling of being closely hemmed-in. In conjunction with the poor view to the front I find therefore that the outlook overall would fail to be acceptable for the future occupants.
8. Furthermore, the parties agree that only 6 sqm of garden space is provided, compared to the 30 sqm required for a new house in accordance with policy H5. Even if I were to accept that the dwelling is more akin to a flat and only requires 10 sqm under policy H5, there would still be a proportionally large under-provision. Its usability would be further compromised due to the space needed to open the bi-fold doors. The location of nearby public open space does not negate the need to provide sufficient private outdoor space.
9. Adding cumulative harm to this under provision and closely linked to the lack of overall outlook discussed above, is that the outdoor space would be enclosed on all sides with no direct view out. I accept that climbing plants are proposed to provide some mitigation, but this would still be a high and close boundary treatment. Despite the potential to add further visual interest in the courtyard, and that the internal side walls would be glass, the overall effect would be unduly oppressive. When coupled with the under-provision in its overall size, I find that the outdoor space would be inadequate.
10. I note the submitted examples of other developments across London with limited outlook or little or no courtyard space, and the suggestion of a particularly strong precedent at 96-71 Palfrey Place due to its proximity to the appeal site and its manner of outlook. However, these developments are set within the context of different or historic development plan policy, with different layouts and manner of outlook such that they are not directly comparable when considering the appeal proposal as a whole.

11. In conclusion, the development would fail to provide acceptable living conditions for its future occupiers with regard to outlook and outdoor space. This would be contrary to LLP Policies Q2 and H5, and London Plan Policy D6, which seek for housing developments to accord with the principles of good design, including provision of adequate amenity, and incorporating outdoor space and outlook which avoids any undue sense of enclosure.

Highway safety

12. The pavement along the appeal side of Oval Place is narrow and sloping, in poor condition and overgrown in parts. While the proposal includes an upgrade in front of the appeal site, the wider stretch of pavement does provide some impediment to pedestrian access, particularly for those with mobility or visual impairments. My site visit reinforced that pedestrians would choose to move along the carriageway rather than the pavement.
13. However, despite the potential conflict between pedestrians and vehicles on Oval Place including as a result of manoeuvres for the garages and parking spaces on the opposite side from the appeal site, I find that Oval Place is a quiet street. The appellant's traffic survey as set out in the Transport Note confirms very low vehicle numbers and overall speeds, and there are good sightlines. The dwelling's future occupiers could if needed take shelter in their porch area before coming out, and similarly could momentarily move onto the pavement along the street if necessary. The trip generation would also not be particularly intensified in comparison to the existing garage use. Improvements to the stretch of footway in front of the dwelling could be secured via a condition, which would be a general benefit.
14. In conclusion therefore, the development would not result in an unacceptable impact on highway safety. This would comply with Policies Q1 and T2 of the LLP, which aim for proposals to demonstrate inclusive design, to promote walking, and to deliver an improved environment for pedestrians including facilitating the improvement of footways. The development would also comply with the guidance in the Framework and specifically paragraph 110, which requires that safe and suitable access to the site can be achieved for all users.

Highway network

15. I note that Policy T7 of the LLP 2015 was referenced in the Council's reason for refusal relating to parking impact on the highway network. T7 relates to servicing, and so I assume this was an error which should have referenced policy T6 'parking' of the LLP 2021, as per the references throughout the rest of the Officer's report.
16. The proposed development is sited within a Controlled Parking Zone and does not include a parking space. Any use of nearby on-street car parking would therefore exacerbate the existing pressure on parking in the area. In addition, future occupants would be more likely to use a private car in the absence of provision of car club membership, which would not promote a sustainable form of transport and would also have a small negative impact on congestion of the local highway network.
17. In mitigation the appellant has confirmed agreement to future occupants of the development being restricted from obtaining parking permits within the Controlled Parking Zone, and to provide them with a car club membership, as

per the requirements under LLP policies T6 and D4 which aim to ensure that proposals mitigate their impacts. I can give no weight to the submitted Unilateral Undertaking planning obligation in this regard as it is only in draft form. However, were I minded to allow the appeal then it may be possible to address this matter via the imposition of relevant conditions as an acceptable solution to address the harm.

18. In conclusion therefore, the development would not result in an unacceptable impact on the surrounding highway network in relation to parking and congestion, and thus would comply with LLP policies T6 and D4. It would also comply with the Framework paragraphs 104 and 110 which require the potential impacts of development on transport networks to be addressed, and to take up appropriate opportunities to promote sustainable transport modes.

Other Matters

19. The site falls within the St Marks Conservation Area, and so I have a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. While I note that the Council considers that its overall character would be preserved, because I am dismissing this appeal for other reasons I do not need to make a judgement on this point.
20. While the creation of an additional dwelling at the site would contribute to Lambeth's housing need, due to the small scale of the development this is only a very minor benefit. In addition, while the scheme would improve the site appearance, it is not so unkempt or derelict that this benefit would outweigh the harm as identified above.

Conclusion

21. Although I have found no harm to highway safety or the highway network, the proposal would provide unacceptable living conditions for its future occupiers regarding outlook and outdoor space. For the reasons given above this would significantly outweigh the proposal's minor benefits of improving the site's appearance and the adjacent footway, and its contribution to housing supply. Therefore the proposal conflicts with the development plan as a whole, and with no other material considerations outweighing this conflict, I conclude that the appeal should be dismissed.

L Hughes

INSPECTOR