



Appeal Decision

Site visit made on 31 January 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

Appeal Ref: APP/N5660/W/22/3304035

4 Leppoc Road, London SW4 9LT

- 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 Mrs Christine Armstrong of Designworks against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 21/05011/FUL, dated 23 December 2021, was refused by notice dated 21 April 2022.
 - The development proposed is ground floor side extension addition. Change of use from single residence into ground floor flat and maisonette above.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effects of the proposal on:
 - Highway safety and sustainable travel; and
 - The area's housing stock, with particular regard to the provision of family housing.

Reasons

Highway safety and sustainable travel

3. The appeal property is situated on a terraced street with on-street parking at either side of the carriageway. At the time of my site visit, few parking spaces were available suggesting parking availability in the area is limited.
4. The appeal site is within a controlled parking zone. Policy H6 of the Lambeth Local Plan 2021 (LLP) states that in controlled parking zones no additional car parking permits will be issued to occupiers of additional housing units created through conversion. Likewise, LLP Policy T6 requires all new development in controlled parking zones to be permit free.
5. The issuing and control of car parking permits is a function of the Council, and the appeal property benefits from an existing parking permit. However, the scheme's parking provision is a relevant consideration in this appeal. The above requirements of Policy H6 apply to all residential conversions and Policy T6 applies to all developments irrespective of scale. The proposal involves the extension and conversion of the appeal property to form two residential units; a one-bed unit and a three-bed unit. The Council has confirmed that the one-

bed unit should be treated as the additional unit to which the permit free requirement should apply.

6. The proposal is modest in scale with a net addition of just one unit, and through a reduction in the total number of bedrooms, the proposal could reduce the maximum number of occupants accommodated on the site. Despite this, the proposed dwellings would be occupied by separate households with separate travel needs. I consider that, in the absence of control measures, the proposal has a realistic prospect of increasing demand for parking.
7. Policy T6 also requires car club membership be made available to residents of all new development, thereby minimising demand for parking by providing access to a shared vehicle. The appellant's statement has drawn my attention to the Council's S106 Planning Obligations Supplementary Planning Document 2008 (SPD). Having reviewed the SPD's guidance, I am satisfied that the thresholds stated relate to the formation of new car clubs for major developments and do not conflict with Policy T6's requirement for car club membership for occupants of new development.
8. The Council indicates that car parking permit free development and financial contributions towards car club membership should be secured through legal agreements such as a Unilateral Undertaking or s106 agreement. I acknowledge the appellant's willingness to enter into a legal agreement. However, no such agreement has been submitted.
9. The appellant has suggested the requirement to enter into a legal agreement be secured through a pre-commencement condition. The government's Planning Practice Guidance (PPG)¹ states that ensuring that any planning obligation or other agreement is entered into prior to granting planning permission is the best way to deliver sufficient certainty for all parties about what is being agreed. The PPG indicates that a condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. However, in exceptional circumstances, a negatively worded condition may be appropriate. Whilst I acknowledge the appellant's reasons for not wishing to enter into a planning obligation at this stage, such reasons are not an exceptional circumstance.
10. In the absence of a legal agreement to secure car parking permit free development and to secure a financial contribution to provide all new residents with car club membership, I must conclude that the proposal would increase on-street parking stress. The proposal would therefore harm highway safety and fail to promote sustainable travel choices. For these reasons, the proposal would not comply with LLP Policy T6 and LLP Policy H6 which require residential conversions to be car parking permit free and provide car club membership for all occupants.

Provision of family housing

11. The appeal property is an existing three-storey terraced dwelling with additional living space in the loft. LLP Policy H6 sets out requirements for the conversion of dwellings into smaller units. Of particular significance is Policy H6's requirement that "the proposal provides a mix of unit sizes including the

¹ Paragraph: 010 Reference ID: 21a-010-20190723

provision, where practicable, of a family-sized home; at ground-floor level with direct access to a rear garden”.

12. The proposal would include a one-bedroom unit and a three-bedroom unit and would therefore provide a mix of units including a family-sized home. However, the proposed three-bedroom unit would be located on the upper floors and would not have access to the appeal property’s rear garden.
13. A roof terrace of modest proportions would provide external amenity space for the proposed three-bedroom unit. Whilst the roof terrace falls short of minimum space standards, the Council accepts that the standard of accommodation provided by the scheme’s design would be acceptable. Therefore, even if it may be practicable to provide the three-bedroom unit at the ground floor, the absence of harm to living conditions from the proposed layout outweighs this particular requirement of Policy H6.
14. Consequently, I find the proposal would not result in the loss of a dwelling suitable for occupation by families and therefore would not adversely impact the area’s housing stock. The proposal would comply with LLP Policy H6 which supports the conversion of larger homes into self-contained units.

Other Matters

15. The proposal would make a modest contribution to the area’s housing needs through the addition of one dwelling on an existing developed site within a residential area and would bring modest benefits to the local economy. The Council’s decision did not identify harm in respect of character and appearance, living conditions, or other adverse environmental impacts. However, such factors do not outweigh the harm I have identified in respect of highway safety and sustainable travel.

Conclusion

16. Although the proposal would not adversely impact the area’s housing stock, for the reasons given above, having assessed the case against the development plan as a whole and having had regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

E Dade

INSPECTOR