

Appeal Decision

Site visit made on 16 May 2023

by D R McCreery MA BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2023

Appeal Ref: APP/N5660/W/22/3309803
102 Greyhound Lane, LONDON, SW16 5RW

- 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 Hannah Gough (Talks and Mortar) against the decision of London Borough of Lambeth.
 - The application Ref 22/00541/FUL, dated 15 February 2022, was refused by notice dated 27 April 2022.
 - The development proposed is demolition of existing building and construction of 2 x two-bedroom flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on;
 - the character and appearance of the area.
 - the living conditions of those living nearby.
3. Whether acceptable provision would be made in relation to;
 - cycle storage.
 - biodiversity.
 - promoting reductions in private car ownership and increases in sustainable travel.

Reasons

Character and appearance

4. The character of the area is residential, typically with 2/3 storey properties of Victorian and early/mid 20th century construction arranged along the thoroughfare between the more obviously commercial areas around Streatham Common and Streatham High Road. Dwellings in the street scene mostly have a traditional appearance, with the mixed vintage providing for a level variation that is part of the character of the surroundings.

5. In light of the variety in the street scene described the proposed floor to ceiling windows at ground floor level would not depart from an obvious established pattern of development or detract from the surroundings. The Council have not elaborated on which aspect of residential use along the street this feature would not be characteristic of. Regardless, for the reasons explained relating to variety, I find no harm with this aspect of the proposal.
6. As the Council say, specifying door and brick details are matters that could legitimately be dealt with by condition. Turning to the balustrade, for similar reasons relating to variety in the street scene explained above, I do not agree that the use of glass would appear incongruous. Indeed, as part of the function of the first floor balustrade is to provide a privacy screen, I am unclear how a more solid material around the entire first floor balcony would be achieved in a seamless way.
7. I do accept that a more solid material would provide a greater sense of enclosure to the amenity spaces. This isn't especially important in relation to the first floor unit. However, for the ground floor unit it would provide important defensible space for occupants given the location adjacent to the footway.
8. As the Appellant says, the balustrades are a matter of finer detail that could legitimately be addressed by condition. Given the Appellant's willingness to do so, I find no harm with this aspect of the proposal.
9. For the reasons set out, subject to conditions, the proposal would have an acceptable effect on the character and appearance of the area. Consequently, there is no conflict with the development plan for the area, in particular policies Q2, Q5 and Q7 of the Lambeth Local Plan (Local Plan) regarding standards of amenity, design and local distinctiveness.

Living conditions

10. The Council's reason for refusal raises concerns about loss of outlook and increased sense of enclosure for occupants of 2 Westwell Road (No2).
11. No2 has a relatively unique relationship with the terrace on Greyhound Lane that includes the site. The result is that the buildings within the terrace are directly on the boundary with No2, angled towards the rear wall of No2 and creating a triangular garden with the most open rearwards aspect at the end.
12. The angled configuration described above, places a important reliance on users of the rear windows (particularly at lower levels) and garden of No2 on the open aspect towards the end of the garden as a source of outlook and openness.

13. The proximity of the proposal to the boundary with No2, coupled with the scale and depth of the development, would significantly impact the living conditions of occupants of No2 by materially reducing an important source of outlook and creating an unacceptable sense of enclosure. This is the case even making an allowance for the standards that might be expected in a more urban area such as this.
14. In reaching my conclusions on this issue I have paid regard to the Appellant's Sunlight and Daylight Assessment. As the assessment addresses different issues, only limited inferences can be drawn relating to impacts on outlook and sense of enclosure.
15. I have also paid regard to evidence relating to the advertising hoarding that was adjacent to Greyhound Lane. As the hoarding has been removed it no longer forms part of the site context and, in any event, it was located further away from the boundary with No2 than the proposal. As such, the presence of the former hoarding is of limited relevance.
16. Similarly, the photographic evidence of planting that was on the boundary with No2 indicates it was not of the same scale and consistency along the boundary as the proposed development. A distinction in sense of enclosure terms also should be drawn between solid built walls and natural planting, with the latter more capable of softening the feeling of enclosure than the former. As such, the planting is of limited relevance.
17. For the reasons set out, the proposal would have an unacceptable effect on the living conditions of those living nearby. Consequently, there is conflict with the development plan for the area, in particular policy Q2 of the Local Plan relating to standards of amenity.

Cycle storage

18. In relation to the size and accessibility of the cycle storage, I have noted the provision for a 4sqm space on the plans. This would be immediately adjacent to the footway, as opposed to within the properties with the need to bring cycles through them. To my mind this would provide a high standard of accessibility for users for the development. The racking arrangement shown on the plans indicates that four bikes could be accommodated. Any restrictions on manoeuvrability would, in my view, be tolerable for most users given that the storage would only serve two residential units. It would not therefore be a disincentive to use of the cycle storage.
19. I have noted the reference to the London Cycling Design Standards in both development plan policy and the Council's evidence. As no specific standards within this document have been drawn to my attention, I am unable to identify conflict or afford the standards material weight.

20. I have noted the Council's acceptance that the cycle storage would be capable of being covered from the elements. As such, it is not necessary for me to address this issue.
21. In light of my findings of no harm, it is not necessary for me to address the Appellant's points regarding alternative provision.
22. For the reasons set out the proposal would make acceptable provision in relation to cycle storage. Consequently, there is no conflict with the development plan for the area, in particular Policy T5 of the London Plan and policies T3 and Q13 of the Local Plan.

Biodiversity

23. The Appellant's Sustainability and Energy Statement offers no evidence to support the assertion that the site is of low ecological value. Nevertheless, this is not a claim I would actively dispute.
24. Further reduction in value would be likely as an inevitable consequence of increased built coverage across the site and loss of soft landscaping. The Appellant's statement refers to inclusion of measures to promote habitats and other provisions. That would appear appropriate given the scale of development and likely extent of loss in value. Such measures could be addressed by condition.
25. For the reasons set out, the proposal would make acceptable provision in relation to biodiversity, subject to conditions. Consequently, there is no conflict with the development plan for the area, in particular Policy G6 of the London Plan.

Car ownership/sustainable travel

26. The Council's fifth reason for refusal was put forward in the absence of a legal agreement designed to secure measures relating to car ownership/sustainable travel.
27. I have noted the Appellant's willingness to provide a legal agreement to address these matters. Considering my findings of harm in relation to other main issues it has not been expedient for me to pursue such an agreement with the parties.
28. As such, although the conflict is technical in the absence of a legal agreement, the proposal would not make acceptable provision in relation to car ownership/sustainable travel. Consequently, there is conflict with the development plan for the area, in particular Policies T1, T3 and T6 of the Local Plan.

Other Matters

29. I have paid regard to all comments received from other interested parties. Comments relating to the main issues have been considered as part of that reasoning. Other comments do not affect my conclusions on the main issues.

30. The Appellant's comments relating to the Council's conduct prior to the determination of the planning application are noted. Whether this amounted to working in a positive and proactive manner is not a matter that fundamentally affects the outcome of this appeal. Concerns relating to conduct are best addressed through direct engagement with the Council, utilising any complaints procedure that they may have.
31. The Appellant's case examples of the Council's decision making on various issues do not attract material weight as each example will turn on its own specific detail and set of circumstances.

Conclusion

32. The proposal would have an unacceptable effect on the living conditions of those living nearby. There is conflict with the development plan for the area that flows from this harm. There is also conflict in relation to car ownership/sustainable travel measures. For the avoidance of doubt, I have not included this within my final conclusions on harm as the conflict is technical in the absence of a legal agreement.
33. I acknowledge the benefits that would arise from the proposal, principally in terms of delivering housing on a small site, in a brownfield location, and close to existing amenities. The benefits find support in development plan policy. However, they do not come at any expense and are qualified in terms of ensuring that development is acceptable in relation to other planning impacts. Given the impacts discussed in this decision, I am of the view that the scale of harm identified leads to conflict with the development plan as a whole.
34. The National Planning Policy Framework (the Framework) is capable of being a material consideration. It must be read as a whole and includes policy addressing the main issues raised in this appeal, including significantly boosting the supply of housing (Chapter 5) and achieving well designed places (Chapter 12). Acknowledging what policy in the Framework says, and that planning policy can pull in different directions, there is nothing that leads me towards a conclusion that differs from what the development plan indicates.
35. Applying Section 38(6) of the Planning and Compulsory Purchase Act 2004, in the absence of other material considerations to indicate otherwise, the appeal should be determined in accordance with the development plan. In this case that would be a refusal of planning permission.
36. For the above reasons, and paying regard to all the other points made, the appeal is dismissed.

D R McCreery

INSPECTOR