



Appeal Decisions

Site visit made on 3 May 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 30 May 2023

Appeal A Ref: APP/N5660/W/22/3297253

204 Camberwell New Road, LONDON, SE5 0RR

- 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 Matthew Hart against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 21/04353/FUL, dated 1 November 2021, was refused by notice dated 12 January 2022.
 - The development proposed conversion of two split level flats back into one four storey house. Removal of stud partition wall in hall on ground floor and removal of stud partition wall on first floor. Infill of stud partition wall on first floor and replacement of suspended ceiling in the kitchen on first floor.
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Appeal B Ref: APP/N5660/Y/22/3297255

204 Camberwell New Road, LONDON, SE5 0RR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Matthew Hart against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 21/04354/LB, dated 1 November 2021, was refused by notice dated 12 January 2022.
 - The works proposed conversion of two split level flats back into one four storey house. Removal of stud partition wall in hall on ground floor and removal of stud partition wall on first floor. Infill of stud partition wall on first floor and replacement of suspended ceiling in the kitchen on first floor.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The appellant has questioned whether the conversion of the building from two flats into one dwelling requires planning permission. This is however not a matter for me to determine in the context of an appeal made under Section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under Sections 191 and 192 of the Act. Any such application would be unaffected by my determination of the appeal. I have therefore considered the scheme as originally submitted.
4. The appeals relate to the same proposal under different legislation. I have dealt with both appeals together in this decision.

Main Issue – Appeal A

5. Whether the reduction in self-contained dwellings from two to one would be acceptable, with regard to local Development Plan Policies.

Main Issue – Both Appeals

6. The effect upon the significance of the grade II listed building, No. 200-210 Camberwell New Road.

Reasons

Development plan

7. The proposal would result in the loss of a residential unit. Policy H8 of the London Plan 2021 (LP) states that the loss of existing housing should be replaced by new housing at existing or higher densities. Policy H3 of the Lambeth Local Plan 2020-2035 (LLP) aligns with this where it states that existing self-contained housing will be safeguarded. This Policy sets out an exception, which the proposal would not satisfy.
8. Therefore, the proposed loss of one of the existing residential units would not be acceptable as it would not accord with these Policies.

Listed building

9. Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
10. The appeal building is part of a listed terrace that dates from the early-mid 19th century. In addition to the considerable significance of the terrace's front façade, despite the conversion into separate flats, the overall floor plan of the appeal building is still discernible and contributes to the special interest of the terrace.
11. No change is proposed to the lower ground floor level or level 02. At level 00 the proposal would see a short length of partition removed to reconnect the hallway behind the front door to the rooms at this level and the lower flight of stairs. The removal of this partition would be a positive intervention.
12. At level 01 the opening into the rear room would be blocked and an opening formed in the partition wall between the two rooms to create an open plan living space accessed from the hallway by a retained door. The existing opening into the rear room is part of the original layout of this floor, and although the door is a replacement the architrave looks original. Therefore, as well as a loss of historic fabric, this intervention would harm the floor plan of the building, and the existing spatial arrangement whereby the two original openings are seen alongside each other and give access to each of the rooms.
13. In terms of the National Planning Policy Framework (the Framework) the harm would be less than substantial. Paragraph 202 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
14. The reinstatement of the appeal building into a single dwelling would be a heritage related public benefit. The Council states that it is necessary for the

proposal to include further work to better reveal the significance of the building. This would include taking out the lobby and reinstating the door from the hallway to the front and rear rooms on level 00. These works do not form part of the proposal before me. Were they included they would give more weight to the benefit of reinstating the historic use of the building, as its original floor plan would also be fully reinstated. Without this, the weight I give to the benefit of the conversion is more limited; and even if I take into account the benefit of removing the partition on level 00 it is not sufficient to outweigh the harm arising from the loss of the original doorway.

15. In summary, the proposal would fail to meet the requirements of the LBCA as it would harm the special interest of the listed building. It would be contrary to Q20 of the LLP, which establishes that development affecting listed buildings will be supported where it would conserve and not harm the special interest.

Other Matters

16. The proposal would involve the loss of a single flat. The appellant points out that the Council has a sufficient supply of deliverable housing. However, the Policy position is clear; and the Council has provided detailed evidence to explain that the number of homes lost through amalgamation each year is not an occasional or intermittent phenomenon and is occurring against a backdrop of reducing household sizes across the city. I am therefore not satisfied that the Council's housing land supply position should cause me to come to a different view on the principle of the proposal.
17. Planning permission was previously granted to convert the appeal building back into a single dwelling. It is understood that weight was given to the fact that there would be no overall loss of residential floor area, and the reinstatement of the original form and layout of the listed building. However, whilst floor area is a factor for Policy H8 of the LLP, the Policy also states that replacement housing should be at the same or higher density than existing, which the proposal would not be. Furthermore, the officer reports suggest that these earlier proposals included the reinstatement of the historic floor plan of the house and did not include the loss of historic fabric. I therefore give little weight to this matter.
18. I have reviewed the appellant's reasons put forward in support of the proposal. Most of these are not planning matters and they are objectives that can be achieved already, as both flats are within the appellant's ownership and no additional floor area is proposed. The benefits would be largely personal to the appellant. The heritage related benefit of reinstating the building into a single dwelling is lessened by the proposal's failure to include a full reinstatement of the historic floor plan and the harm that would arise from the blocked doorway. These benefits are not sufficient to allow me to support the proposal in the context of the Policy position regarding the loss of one of the residential units.

Conclusion

19. For the reasons above, both appeals should be dismissed.

A Tucker

INSPECTOR