



Appeal Decision

Site visit made on 9 May 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2023

Appeal Ref: APP/N5660/W/22/3310698

232 Gipsy Road, London SE27 9RB

- 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 Ali against the decision of London Borough of Lambeth.
 - The application Ref 21/04671/FUL, dated 2 December 2021, was refused by notice dated 17 June 2022.
 - The development proposed is described as “alterations to flat at the rear ground floor.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellants submission at times appears to relate to a previous scheme¹ that was dismissed at appeal. This scheme differs from the current appeal in that it was for a two-bedroom flat rather than a one-bedroom flat. It also refers to a reason for refusal relating to affordable housing which is not raised in the Council’s reasons for refusal on the appeal before me.

Main Issue

3. The main issue is whether the proposed development would provide satisfactory living conditions for the future occupiers, with particular regard to outlook, natural light, amenity space and privacy.

Reasons

4. The proposed development would be accessed from Bon Marche Mews, which is located to the rear of buildings that front on to Gipsy Road. The appeal site has a small yard which provides access to an external staircase and upper floor flats that are located above a takeaway, Passage to India, which is located on the ground floor. During my site visit I noted that the small yard also provides access to rooms in residential use at ground and lower ground floor levels.
5. The proposed development would comprise a one-bedroom flat at ground floor level. The proposed development would include a replacement single-storey extension and would be accessed via the yard, which would be split in two to provide a private access to the proposed development along with a separate access for the upper floor flats.
6. The proposed development would only have three opening which would face towards the access lane. Opposite the openings to the kitchen/living/dining

¹ APP/N5660/W/21/3268609

area, less than 1 metres away, would be a tall wall that would denote the boundary between access to the appeal site and the upper floor flats. The height of the wall combined with its close proximity to the proposed openings would create a dominant feature that would have an overbearing effect on the outlook from the proposed development harming the living conditions of future occupiers. The close proximity and height would also restrict natural light entering the windows making the rooms to which they serve unduly gloomy.

7. Policy D6 of the London Plan 2021 states that, amongst other things, housing development should be of high-quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose. It also refers to privacy and provision of at least 5 square metres of private outdoor space for 1-2 person dwellings, with an extra square metre per additional occupant where there are no higher local standards.
8. Policy H5 of the Lambeth Local Plan 2020-2035 (LP) states that for new flatted development, 10 square metres per flat either as balcony/terrace/private garden or consolidated with communal amenity space. The proposal itself only contains an open plan kitchen/living/dining room, bedroom and a small shower room. Apart from the narrow access, no private external amenity space is provided. Future occupiers are unlikely to utilise the access as outdoor amenity space as activities such as seating and hanging clothes would block access to the property. Having regard to the overall size of the accommodation, combined with the absence of any meaningful private outdoor amenity space, I consider that the proposal would result in a poor standard of living conditions for future occupiers.
9. I have noted the comments made by the appellant regarding the proximity of the proposed development to public open spaces, in particular Norwood Park. Whilst these would be in walking distance to the proposed development, I am mindful of the justification for LP Policy H5 which states that the proximity of a development site to an existing park or open space alone does not constitute sufficient reason not to provide on-site external amenity space. Additionally, future residents would not be able to hang washing or sit outside in a private environment in a public park.
10. I have had regard to the Council's concerns regarding privacy. The proposal includes a tall wall between the accesses to ground floor and upper floor flats. Whilst the wall would have an overbearing impact on future occupiers and restrict light it would provide a physical screen between the ground floor windows and residents entering the upper floor flats. As such, the proposed development would not have a harmful impact on the living conditions of future residents in respect of privacy.
11. The appellant has provided examples of similar developments in the area. I do not have the full circumstances of these developments before me however they appear to deal with the amalgamation of flats into a single residential unit and relate to planning applications for flats from 2008 and 2011 which pre-date the adoption of both LP and London Plan. As such the circumstances in these cases do not appear comparable to the current appeal before me. In any event, I have dealt with this appeal on its own merits. Whilst the proposed development would provide an additional dwelling, this would not overcome the harm I have identified in relation to living conditions for future occupiers.

12. Whilst the proposal would not harm the living conditions of future occupiers with regards to privacy, it would have a harmful effect upon the living conditions of future occupiers with particular regards to outlook, natural light and amenity space. The proposal is therefore contrary to LP Policy H5 and London Plan Policies D6 and D7 which seek, amongst other things, to ensure that development provides adequate outdoor space, outlook and daylight for occupiers. The appeal scheme would also be contrary to paragraph 130 of the National Planning Policy Framework that seeks a high standard of amenity for existing and future users.

Conclusion

13. For the above reasons, there are no relevant material considerations, including the approach of the Framework, which would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR