



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: 13 July 2023

Appeal Ref: APP/N5660/W/22/3311669

30 Mitcham Lane, London, SW16 6NW

- 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 Alpine Investments Ltd against the decision of London Borough of Lambeth.
 - The application Ref 22/02937/FUL, dated 20 May 2022, was refused by notice dated 31 October 2022.
 - The development proposed is described as "Forming first & second floor additions & developing the existing ground floor, to add an additional 2 bed, self-contained flat, & an additional office. Development to include associated bin store, bike store & recycling store."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the changes shown on some amended plans submitted with the appeal are not individually extensive, taken together they do represent a noticeable departure from the scheme that the Council considered and that on which the views of third parties were sought. I have some concerns therefore that accepting the amended plans would result in some prejudice to third parties wishing to comment. Having regard to the procedure guide¹, planning appeals should not be used to amend a scheme and any plans submitted should be those that the Council considered at the time they determined the planning application. I have not therefore taken the amended plans into account in making my decision.

Main Issues

3. The main issues are; a) whether or not the proposed development would preserve or enhance the character or appearance of the Streatham High Road and Streatham Hill Conservation Area; b) whether the proposed development would provide acceptable living conditions for future residents, with particular reference to internal and private amenity space; and c) the effect of the proposed development on highway safety with particular regard to car parking.

¹ The Planning Inspectorate Procedural Guide – Planning Appeals – England (December 2022)

Reasons

The Streatham High Road and Streatham Hill Conservation Area (CA)

4. The significance of the CA is derived from the Victorian, Edwardian and inter-war era commercial buildings and residential apartments that span the length of Streatham High Road and adjoining roads. The area surrounding the appeal site is characterised by rows of Victorian shops of varying heights and designs, with commercial uses at ground floor and residential uses above.
5. The appeal building is a detached two storey building finished in pebble dash located on the corner of Mitcham Lane and Fernwood Avenue. To the rear the building has been extended with two-storey and single-storey additions. Whilst the appeal building does not echo a Victorian character, its low stature in relation to nearby buildings and neutral colour palate means it has a neutral impact on the street scene and thus the significance of the CA.
6. That said, the proposed development would involve increasing the height of the whole building to three storeys. Due to its corner plot location, and the set back of the neighbouring building, the proposed development would be clearly visible from both Mitcham Lane and Fernwood Avenue. The height and bulk of the proposed development would create a dominant feature. Within this context, the proposed development would be an unsympathetic and non subservient development. This would draw the eye when travelling along nearby roads and detract from the nearby traditional buildings. Consequently, the appeal scheme would fail to either preserve or enhance the character or appearance of the CA.
7. Whilst there are examples of three storey buildings nearby, the detached nature of the proposal combined with its narrow width would be in contrast to nearby buildings. I have had regard to the Council's concerns regarding the materials, however had I been minded to approve the proposed development this could have been conditioned.
8. The harm that would arise would be localised and therefore the impact on the CA as a whole would be less than substantial within the meaning of paragraph 202 of the National Planning Policy Framework (the Framework). In weighing the public benefits of the proposal, the appellant has suggested that the proposal is a high-quality development that would improve the existing building. I have already found harm regarding the design of the proposed development. As such, the public benefits of the scheme are of no more than limited weight. Such that they would be unable to outweigh the harm I have found.
9. The proposal would therefore conflict with Policies Q5, Q8, Q11 and Q22 of the Lambeth Local Plan 2020-2035 (2021) (LP) which seek, amongst other things, to ensure that developments positively respond to the original architecture, roof form, detailing and fenestration of the host building and other locally distinct forms and respect and reinforce the established, positive characteristics of the area. The appeal scheme would also be contrary to paragraph 199 of the Framework which seeks to protect heritage assets.

Living Conditions

10. The London Plan requires that a ceiling height of 2.5 metres be provided. The second floor flat would have a ceiling height of around 2.3 metres. More than marginally less than that is required. The low ceiling would contribute to a poor quality and cramped indoor living environment.
11. LP Policy H5 requires that an area of 10 square metres of amenity space be provided for each flat. Policy D6 of the London Plan (2021) requires that all residential development provide a minimum of 5 square metres of private outdoor space. From the submitted evidence, I note that no private outdoor amenity space is proposed. Taking into account the increase in residential units from 1 to 2. This would mean occupiers would over rely on indoor space for private enjoyment. This would reduce the overall quality of their living conditions to an unacceptable degree.
12. During my site visit I noted other public open space within fairly easy walking distance. This includes Tooting Bec Common and Streatham Common. Whilst this would be beneficial, it would not be a sufficiently acceptable substitute for private space attached to the units themselves for the purposes of say drying washing or sitting out.
13. The proposed development would therefore have an unacceptable effect upon the living conditions of future occupiers. This would be contrary to LP Policy H5 and London Plan Policy D6 which seek to ensure that adequate internal and private space is provided and that these spaces are functional and inclusive. The proposal is also at odds with the advice set out in paragraph 130 of the National Planning Policy Framework (Framework) that seeks high standards of amenity for existing and future users.

Highway Safety

14. The Council refers to the need for a planning obligation to restrict future occupiers of the proposal from obtaining parking permits and also to ensure that car club membership is provided. However, the area is not within a controlled parking zone and I have not been provided with compelling evidence that such a restriction is forthcoming. I cannot therefore conclude that the proposed development should be effectively car free and thus it would not be reasonable of me to take into account in my decision any legal agreement seeking to achieve this. In any event, even if the appeal scheme were to be a car free development and include acceptable measures to ensure this, my conclusions on the other main issue would be unaffected.

Conclusion

15. For the above reasons, there are no relevant material considerations, including the approach of the Framework, that 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