



Appeal Decision

Site visit made on 18 July 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2023

Appeal Ref: APP/N5660/W/23/3317667

30 Romola Road, Lambeth, London SE24 9AZ

- 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 Ms Dagmar Banton against the decision of the Council of the London Borough of Lambeth.
- The application Ref 22/04127/FUL, dated 17 November 2022, was refused by notice dated 16 January 2023.
- The development proposed is described as the change of use from three apartments to two, removal of chimney stack on rear outrigger.

Decision

1. The appeal is allowed and planning permission is granted for the change of use from three apartments to two, removal of chimney stack on rear outrigger at 30 Romola Road, Lambeth, London SE24 9AZ in accordance with the terms of the application, Ref 22/04127/FUL, dated 17 November 2022 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (dwg no: 617.1250.PL.01), Existing Floorplans (dwg no: 617.100.PL.01), Existing Sections (dwg no: 617.100.PL.02), Existing Elevations (dwg no: 617.100.PL.03), Proposed Floorplans (dwg no: 617.100.PL.04), Proposed Sections (dwg no: 617.100.PL.05), Proposed Elevations (dwg no: 617.100.PL.06), Existing Site Plan (dwg no: 617.200.PL.01) and Proposed Site Plan (dwg no: 617.200.PL.02).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposed loss of a residential unit upon the supply of housing.

Reasons

3. The appeal property comprises of a building that contains three flats. The proposal would see the removal of the smaller flat¹ on the first floor, with this space used to increase the size of the ground floor flat and the duplex flat that spans the upper floors.

¹ Flat 2

4. Policy H3 of the Lambeth Local Plan 2020-2035 (Local Plan) states at A. that existing self-contained C3 housing will be safeguarded in accordance with The London Plan policy, setting out exceptionally that the net loss of self-contained residential accommodation may be acceptable where the proposal is for specialist non-self-contained accommodation (use class C2).
5. The proposal would result in the loss of a residential unit and would therefore be contrary to part A. of Local Plan Policy H3. Although this does not provide detail on why the loss of housing should be resisted, the Council has set out that the Local Plan evidence for Lambeth demonstrated that the amalgamation of smaller units was leading to a sustained loss of housing. The appellant has also made reference to the evidence base from the Local Plan in justifying why it is preferable to maintain the existing stock of converted houses and avoid the loss of units overall. This includes reference to unmet housing need in the borough and evidence on affordability and reducing household sizes.
6. Part C. of Local Plan Policy H3 does support proposals that would bring back into use long-term empty homes and derelict empty homes. Although the appellant has made reference to the flat not being in use, there is no evidence before me that it is long term vacant or from my site observations, is in a derelict state.
7. Reference has also been made to Policy H8 of The London Plan which states at A. that the loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace. The proposal would be contrary to this policy, which does not require consideration of other factors, such as the scale of the development.
8. I therefore conclude that the loss of the existing residential unit would have a harmful effect on the Council's housing supply and as such, would be contrary to Local Plan Policy H3 and Policy H8 of The London Plan. These seek, amongst other matters, to safeguard existing housing. Although references have been made to policies and the approach in other London Boroughs to resisting the loss of amalgamation, these do not form part of the development plan in Lambeth.

Planning Balance

9. The scheme would conflict with Local Plan Policy H3 and Policy H8 of The London Plan as it would result in the loss of a residential unit.
10. Although the scheme would not provide new housing at existing or higher densities, it would also not result in the loss of any residential floorspace. In addition, the supporting text to Policy H8 of the London Plan sets out the importance of good quality homes.
11. In this respect, the proposal would improve the size and layout of the existing flats. I note the intention by the appellant for the proposed flats to be occupied by relatives, but these circumstances could change. Nevertheless, the proposal would result in improvements to two flats, both of which would provide two bedrooms. The Council state, with reference to the Strategic Housing Market Assessment (2017), that such two bedroom units along with one bedroom units are the sizes of accommodation where there is the significant majority of housing need in Lambeth.

12. The Council has stated that the existing flat 2 is more suited to a single person rather than a two-person flat as it has a combined kitchen/living space. However, the existing flat has a separate double bedroom which according to the Technical housing standards – nationally described space standards 2015 would require a minimum internal floor area of 50sqm. At around 39.7sqm, the existing flat falls significantly short of this requirement. The appellant also references the poor layout and small kitchen areas of this same flat and flat 3. As a result, the harm that would result from the conflict with the identified development plan policies would be limited given the loss involves an undersized flat.
13. The proposal, by removing existing flat 2 would enable the quality of the retained flats to be improved and better provide for the needs of families. I therefore consider that these matters should attract significant weight in the proposal's favour.
14. The Council has raised concerns on the cumulative loss of many single units. However, each proposal must be assessed on its merits and given the particular circumstances of this case, I do not consider that it would give rise to a sustained loss of homes.
15. As such, the benefits of the proposal form material considerations that would outweigh the limited harm that would result from conflict with the development plan.

Conditions

16. I have considered the conditions suggested, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended those suggested as appropriate.
17. Although the proposal is for a change of use, it also includes the removal of a chimney. I have therefore attached a materials condition in the interests of ensuring the development's acceptable appearance in order to safeguard the area's character and appearance.
18. A condition relating to cycle parking provision has been suggested, but as the flats are existing, I do not consider this is necessary nor for Car Club Membership or Cycle Membership to be provided.

Conclusion

19. For the reasons given above, I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR