



Appeal Decision

Site visit made on 23 January 2024

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2024

Appeal Ref: APP/N5660/W/23/3327280

1B Angles Road, Lambeth, London SW16 2UU

- 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 Ahmad of Tripple 7 Limited against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 22/04569/FUL, dated 23 December 2022, was refused by notice dated 17 February 2023.
 - The development was originally described as the "*retention of outhouse to the side of 1B Angles Road*".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development was originally described on the application form as the "*retention of outhouse to the side of 1B Angles Road*". The Council amended the description to "*Retention of residential annex to the side of 1B Angles Road*". I have adopted the description used by the appellant on the application form in the banner above as this is what the appellant sought planning permission for.
3. At the time of my site visit I saw that a building in line with that shown on the submitted plans had already been constructed. However, 'retention' as referred to in the application form and decision notice does not constitute an act of development. I have dealt with the appeal on the basis that planning permission is sought for an outhouse to the side of 1B Angles Road.
4. The Government published a revised National Planning Policy Framework (the Framework) in December 2023. This does not materially change the planning policy context in respect of the main issues, and I have determined the appeal accordingly.

Main Issues

5. The main issues are:
 - The effect of the development on the character and appearance of the appeal site and the surrounding area;
 - Whether the development would be tantamount to the creation of an independent dwelling; and if so, whether it would provide adequate living conditions for future occupants, with particular regard to the quality of internal accommodation and car parking provision; and
 - The effect of the development on drainage.

Reasons

Character and appearance

6. 1B Angles Road (No. 1B) is part of a modern development of two detached dwellinghouses. It is accessed from Angles Road through a gated undercroft feature in 1A Angles Road (No. 1A). A single storey rendered building with a pitched roof has been erected to the side of No. 1B and to the rear of 1 Angles Road. The surrounding area is predominantly residential and comprises a mix of semi-detached and terraced properties with long rear gardens in pleasant verdant surroundings. With the notable exception of the appeal proposal 'backland' development is not generally a common feature of the area.
7. The appeal building is located close to the boundary of 3 Angles Road and properties on Pendennis Road. Although there is a narrow gap between the boundary fences and the building itself, it is narrower than the 1 metre distance set out in Lambeth Local Plan 2021 (LLP) Policy Q14 which is required to provide space around the building for maintenance purposes.
8. Wide tiled steps lead up to a raised patio across the width of the outhouse. The area between the steps and the rear of No. 1 has put down to tarmacked hard standing. The area to the front of No. 1B is also tarmacked. The result is a garden area almost entirely made up of hardstanding. This is in stark contrast the verdant surroundings of other dwellings in the area.
9. I therefore conclude that the outhouse and hardstanding adversely impacts on the character and appearance of the appeal site and the surrounding area. There would therefore be conflict with LLP policies Q5 and Q8 which amongst other matters, requires that proposals are visually attractive and respond positively to their locality. It would also be contrary to LLP Policy Q14, which expects that domestic curtilage structures are set back at least 1m from site boundaries to allow access for the maintenance and to provide gaps between buildings.

Whether or not tantamount to an independent dwelling; Living conditions of future occupiers and parking provision

10. The appellant states that the building is currently occupied for residential purposes. However, I have not been provided with any evidence of the nature of the occupation nor the specific need for additional living accommodation associated with the occupation of the main house (No. 1B). Whilst the appeal before me is for an outhouse, the appellant accepts that the building is capable of independent occupation.
11. From my site visit, I saw that the outhouse building contained a double bedroom, shower room, and kitchen/living space, thereby providing habitable accommodation and the facilities necessary for day-to-day occupation. It, however, shares both vehicular and pedestrian access with No. 1B. It is separated from No. 1B by a metal railing fence, whilst stone setts in the tarmacked hard surface between the corner of the main house and the rear wall of No. 1, further reinforces a sense of visual separation between the two buildings.
12. The building provides approximately 39.7m² of gross internal floor area (GIA), which would comply with the standard for a one-bed single person unit with a shower room as set out in LLP Policy H5 and Policy D6 of the London Plan

2021. However, at 11.5m² the bedroom can accommodate a double bed and should therefore be treated as a one-bed two-person unit which would require a GIA of 50m². This represents a significant shortfall in GIA which would be expected for living accommodation of this type.

13. Given the extent of the accommodation provided and the limited sharing of facilities with No. 1B, restricted only to access through a shared area, the proposal would be tantamount to an independent dwelling. I am not persuaded that a condition to restrict its use to one that is associated with the occupation of No. 1B would be enforceable, as there would likely to be no appreciable change whether it was occupied as accommodation integral to the occupation of No. 1B or as an independent dwelling. In any event, the quality of internal accommodation would not be appropriate for independent living in terms of GIA.
14. The application form states that car parking within the appeal site would be increased from two spaces to three, however, I have not been provided with a layout plan. I therefore cannot be certain that three independently accessible spaces could be provided given the constrained layout of the site. It is therefore highly likely that occupiers of the building would rely on the public highway for parking.
15. The appeal site is located in area with a PTAL rating of 6a (excellent) and it has been suggested that the development could be made car-free through the imposition of restrictions on the occupiers of the appeal building. Nevertheless, car-free developments are only effective in areas that are, or are proposed to be, within a Controlled Parking Zone (CPZ) in locations that are close to services and facilities and/or good alternative transport options. Whilst the appeal site is located in an accessible area close to Streatham High Street where there are range of shops and services and alternative transport links, Angles Road is not subject to parking restrictions. Furthermore, I have not been made aware that it is within a proposed CPZ. Therefore, there are no means by which the development could be made car-free.
16. I conclude that the proposal would be tantamount to an independent dwelling which would not provide adequate living conditions for future residents, with particular regard to the quality of accommodation. I therefore find conflict with Policy H5 the LLP and D6 of the London Plan which seek, amongst other things, a good standard of accommodation for future occupiers of the building. Furthermore, the development fails to provide adequate car parking provision in conflict with LLP Policy T6 and London Plan Policy T6.

Drainage

17. The area to the front of the appeal building has been put down to impermeable hardstanding which the appellant states incorporates sufficient drainage channels to allow surface water to run into the drains. I have no evidence before me to indicate the locations of these, nor am I aware of the locations of the drains into which these might flow. I therefore cannot be certain that the development does not cause excessive run-off to the detriment of surface water flooding either within the site or beyond.
18. Consequently, the proposal has an adverse effect on drainage on the appeal site through the use of impermeable hard surfacing. There would therefore be conflict with LLP Policy Q14, which expects development to incorporate as

much soft landscaping as possible and for parking are surfaces to be permeable to water.

Other Matters

19. I have considered the appellants stated fallback position that the outhouse would be permitted development under Schedule 2 Class E (a) of the Town and Country Planning (General Permitted Development Order) Regulations 2015 (as amended) which would involve the lowering of the roof of the building. However, I have little evidence to support this claim. I am therefore unable to conclude that this offers a realistic or probable prospect and consequently it does not represent a legitimate fallback position. It is open to the appellant to apply to have the matter determined under Sections 191 or 192 of the Town and Country Planning Act 1990. Any such determination would be unaffected by the outcome of this appeal. I have therefore considered the appeal on the basis of what is proposed and its consequent effects.

Conclusion

20. For the reasons given above, having considered the development plan as a whole and all relevant material considerations, I conclude that the appeal is dismissed.

K L Robbie

INSPECTOR