



Appeal Decision

Site visit made on 20 May 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st May 2024

Appeal Ref: APP/N5660/W/24/3338431

71 Haverhill Road, London SW12 0HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Hannah Laithwaite and Doyle Hooper against the decision of the Council of the London Borough of Lambeth.
 - The application reference is 23/03960/FUL.
 - The development proposed is amalgamation of existing ground and first floor flats to form a single dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the amalgamation of existing ground and first floor flats to form a single dwelling at 71 Haverhill Road, London, SW12 0HE in accordance with the terms of the application, Ref 23/03960/FUL, 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; TRD-2610-A2/02.

Main Issue

2. The main issue is the effect of the proposal on the supply of housing in Lambeth.

Reasons

Policy Context

3. The appeal site is occupied by a two-storey terraced property that has been divided into two self-contained one-bedroom flats, one on each floor. The proposal would comprise the amalgamation of the two flats to create one three-bedroom dwelling. While some limited internal works are proposed, there would be no external alterations to the property.
4. Policy H1 of the 2021 adopted Lambeth Local Plan 2020-2035 (the Local Plan) sets out the commitment to maximise the supply of additional homes in the borough to meet and exceed Lambeth's housing requirement which was established in the 2021 London Plan.
5. Policy H3 of the Local Plan states that existing self-contained C3 housing will be safeguarded in accordance with London Plan policy. It goes on to state that, exceptionally, the net loss of self-contained residential accommodation may be

- acceptable where the proposal is for specialist non-self-contained accommodation to meet an identified local need.
6. In terms of the London Plan, Policy H1 aims to increase housing supply. It sets out the ten-year net housing completion targets for the London boroughs. For Lambeth, this is 13,350. The policy sets out criteria to ensure that these targets are achieved. This includes in part 2 of the policy, optimising the potential for housing delivery on all suitable and available brownfield sites through Development Plans and planning decisions. Part 2 goes on to list sources of capacity to achieve this. Part 2 does not include resisting amalgamations of existing flats or houses into larger homes, although the Council states that this is one means of preventing the loss of housing and supporting delivery on small sites.
 7. Paragraph 4.1.9 of the supporting text to London Plan Policy H1 states that the ten-year housing targets should be monitored in net terms taking into account homes lost through demolition, amalgamations or change of use. In my view, this is setting out the approach to monitoring the delivery of the targets and given that these are expressed as net housing completions, any loss of existing units would be part of that monitoring process.
 8. Policy H2 of the London Plan seeks to significantly increase the contribution of small sites (less than 0.25ha) to meeting London's housing need. The target set for Lambeth in Policy H2 is to achieve 4,000 net housing completions on small sites over the ten-year period. The small sites targets are a component of, and not additional to, the overall housing targets.
 9. In its appeal statement, the Council refers to Policy H10 of the London Plan which addresses housing size mix. This policy states that to determine the appropriate mix of unit sizes in relation to the number of bedrooms for a scheme, regard should be had to a number of factors. One is the ability of new development to reduce pressure on conversion, subdivision and amalgamation of existing stock. However, I am not persuaded that this could be interpreted as Policy H10 making reference to the policy objective of resisting amalgamation of existing stock as contended by the Council.
 10. Both parties refer to Policy H8 of the London Plan which addresses the loss of existing housing and estate redevelopment. Part A of this policy states 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 Council argues that the proposal would represent a loss of existing housing and would reduce the density of housing units within the subject site and as such is contrary to this policy. No change is proposed to the floor space. To my mind, the difference in the intensity of the use of the site for a three-bedroom dwelling compared to two one-bedroom flats would be insignificant. Consequently, I find no conflict with London Plan Policy H8.
 11. In my judgement, none of these policies specifically seek to restrict amalgamations. Nonetheless, the more residential units that are lost, the greater the number of new units that will be required to ensure that the ten-year target for net housing completions is met.

Supply of Housing

12. The Council's Housing Development Pipeline Report 2022/23 (the Pipeline Report) identifies that there were 443 completions during 2022/23. The Pipeline Report clarifies that completions comprise all existing units lost through redevelopment, change of use or conversion during the year, and all gross units created by housing developments that were ready to be occupied in 2022/23. The figure of 443 is well below Lambeth's annual housing target of 1,335 net completions.
13. The Council calculates that over the period 2008/09 to 2022/23, the total number of homes lost because of amalgamations is 209, with the average being 14 per year. The Council sets out that in 2022/23, the net loss of 10 dwellings through amalgamations represents a 5% net loss compared to overall net completions on small sites (184), and that if the units had not been lost through amalgamations, the Council would have managed to deliver 48.5% of the small site target instead of the 46% actually achieved.
14. The Council's view is that this amounts to a sustained loss because it is a continuous, unbroken pattern of activity. Paragraph 4.2.8 of the supporting text to London Plan Policy H2 states that where the amalgamation of separate flats into larger homes is leading to the sustained loss of homes and is not meeting the identified requirements of large families, boroughs are encouraged to resist this process.
15. However, the average of 14 per year is equivalent to only around 1% of Lambeth's annual housing target for net completions of 1,335 and around 3.5% of its annual requirement of 400 for net housing completions on small sites. While a proportion of the housing stock is being lost each year through amalgamations, the number of units lost each year is small.
16. The Pipeline Report identifies that the overall shortfall in 2022/23 arises from a combination of factors including delays to several large sites currently under construction/part implemented; delays in others starting on site; and fewer completions on small sites compared to the information available at the time the Local Plan was submitted for examination in May 2020. It goes on to state that some of these delays can largely be attributed to wider economic factors such as build cost inflation, labour shortages, and interest rate rises and to the lower number of schemes starting work on site during the peak of the Covid-19 pandemic in 2020 and 2021.
17. Even with this context, the information in the Pipeline Report shows that while completions are projected to stay low in 2023/24, they are projected to increase again from 2024/25, and the trajectory demonstrates a headroom in projected supply of 496 dwellings over the ten years. Furthermore, the Pipeline Report identifies that there is a 5.49 years supply of deliverable housing sites.
18. Based on the submitted evidence, I am not persuaded that the loss of dwellings from amalgamations is materially impacting on the Council's ability to meet its housing targets.
19. The Council argues that, based on the information in the 2017 Lambeth Strategic Housing Market Assessment (the SHMA) on housing need and the size of units created through amalgamations, the merging of separate flats into larger homes is not meeting the identified requirements of large families. The

SHMA has not been submitted in full by either main party. However, the Council sets out that the majority of housing need is for one- and two-bedroom units, with only 22–25% of households needing three- and four-bedroom units, given the long-term trend towards smaller household sizes.

20. The appellant has submitted an appeal decision¹ which goes into some detail on the SHMA. It sets out that the SHMA identifies an increase in the number of households with dependent children from 2016 to 2036 and that the SHMA points out that it is reasonable to presume a degree of under occupation will continue in market housing and that the figures overstate the need for small accommodation.
21. On this basis, there appears to be some need for larger dwellings in the housing mix, which the proposal would contribute to. There is no clear evidence before me to indicate that amalgamations are not meeting the requirements of large families or that the identified need for three-bedroom houses has been met.
22. Bringing these points together, in my view, while London Plan Policy H1 seeks to increase housing supply, it does not specifically prevent the loss of existing housing. Nor does London Plan Policy H2. As set out above, there is no clear evidence before me to suggest that amalgamations are leading to the sustained loss of homes to such an extent as to materially negatively impact the Council's ability to meet its housing targets. Nor is there clear evidence that amalgamations are not meeting the identified requirements of large families. Also set out above is my reasoning as to why the proposal would not conflict with London Plan Policies H8 and H10.
23. The Council has referenced four appeal decisions² where it is stated that the Inspectors supported its position on amalgamations. The only details before me are the front pages of these appeal decisions and the Council's statement that it was accepted 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 London Plan Policy H8. Given the lack of detail submitted on these appeal decisions I cannot be certain that they are directly comparable, in terms of detail or supporting evidence, to the appeal proposal, which I have in any event considered on its own planning merits based on the evidence before me.
24. As I find no conflict with the relevant London Plan policies in this particular case, it follows that there would be no conflict with Local Plan Policy H3 which requires existing self-contained C3 housing to be safeguarded in accordance with London Plan policy. I note the background to Policy H3 which has been submitted by the Council. Nevertheless, I need to consider the policy as it is in the adopted Local Plan.
25. Consequently, I conclude that the proposal would not have a harmful effect on the supply of housing in Lambeth. It would not therefore conflict with the requirements of Policy H1 of the London Plan and Policy H3 of the Local Plan, as summarised above.

¹ Appeal references APP/N5660/X/22/3302513 and APP/N5660/W/22/3302512, paragraph 36

² Appeal references: APP/N5660/W/22/3304560; APP/N5660/W/23/3317667; APP/N5660/W/22/3313519; APP/N5660/W /23/3330091

Conditions

26. As well as the standard time condition, one is required to ensure that the development is carried out in accordance with the approved plans for certainty. As no external changes are proposed to the building, a condition requiring matching external materials would be unnecessary.

Conclusion

27. The proposal would accord with the development plan as a whole, and there are no material considerations of sufficient weight to indicate that permission should be withheld. I therefore conclude that the appeal should be allowed.

F Wilkinson

INSPECTOR