



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: 3rd June 2024

Appeal Ref: APP/N5660/W/23/3334270

60 Claylands Road, Lambeth, London SW8 1NZ

- 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 Ms Agius against the decision of the Council of the London Borough of Lambeth.
 - The application reference is 23/02373/FUL.
 - The development proposed is to convert the single occupancy flats into one dwelling. It will include a ground floor side extension and first floor extension.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of two flats into one single dwelling, including a single storey side infill extension, together with the extension of the rear return addition, replacement of the existing windows with double glazed timber windows at 60 Claylands Road, Lambeth, London, SW8 1NZ in accordance with the terms of the application, Ref 23/02373/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: site location plan; proposed elevations – 04; proposed floor plans – 05; proposed section – 06; proposed ground & first floor plans – 07; proposed windows – 08.
 - 3) All new external work and finishes and work of making good shall match the existing adjacent original work in respect of the materials, colour, texture, profile, and finished appearance, except where indicated otherwise on the approved plans.

Preliminary Matters

2. The description of development in the heading above has been taken from the application form. However, it is more fully described on the decision notice and appeal form as 'conversion of two flats into one single dwelling, including a single storey side infill extension, together with the extension of the rear return addition. Replacement of the existing windows with double-glazed timber windows'. The Council determined the application on that basis. I have therefore used that description for the purposes of assessing the proposal and in my decision.

Main Issue

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

Reasons

Policy Context

4. The appeal site is occupied by a two-storey terraced property which contains two one-bedroom flats, one on each floor. The proposal would comprise the amalgamation of the ground and first floor flats to create one three-bedroom dwelling. To facilitate this, it is proposed to extend the first floor of the rear outrigger and to construct a single storey infill extension. While the proposed alterations to the property would be acceptable, the proposed development would result in the net loss of one residential unit.
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 specifically 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 the targets 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 is to achieve 4,000 net housing completions on small sites over the ten-year period. The small sites targets in Policy H2 are a component of, and not additional to, the overall housing targets.
9. Policy H8 of the London Plan addresses the loss of existing housing and estate redevelopment. In my view, the relevant part of Policy H8 in the context of the proposal is Part A. This 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.
10. 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 several factors. These include 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.

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 the year. 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 the amalgamation of separate flats into larger homes is not meeting the identified requirements of large families. This is 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 Council sets out that the significant 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 of declining household size.
 20. The SHMA identifies that the number of households with dependent children is expected to increase by 12.7% from 2016 to 2036 (an increase of around 234 households per annum). While the number of households with children is projected to reduce as a proportion of total households, the projections suggest that there will be an increase of 19.2% in the number of households with one child between 2016 and 2036, an 8.1% increase in households with two children, and an increase of 2.8% in households with three or more children. The SHMA also states that it is reasonable to presume that 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. 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 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 Policy H10.
 23. 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 London Plan Policy H8. The Council has highlighted appeal decisions¹ relating to proposals for amalgamations that set out a conflict with this policy. This appears to be on the basis that these appeal proposals would have reduced the net number of units and so a conflict would arise with Policy H8, based on the interpretation of this policy being to safeguard housing stock.
 24. As set out above, Part A of Policy H8 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. In this case, there would be a loss of

¹ Appeal references APP/N5660/W/22/3304560; APP/N5660/W/23/3317667; APP/N5660/W/22/3313519

existing housing as two residential units would become one. However, the residential unit that would be created would have at least the equivalent level of overall floorspace. 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, in this case, I find no conflict with London Plan Policy H8.

25. 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. I am also aware of the appeal decisions highlighted by the Council as identified above, along with a further decision², which found conflict with Local Plan Policy H3. Nonetheless, as I find no conflict with the relevant London Plan policies in this particular case, in my judgement 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.
26. Consequently, for the reasons given, 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 H8 of the London Plan and Policy H3 of the Local Plan, as summarised above. The reason for refusal also states that the proposal would be contrary to the provisions of the National Planning Policy Framework although no specific section is mentioned. Nonetheless, for the same reasons given above, I find no conflict with the Framework's objectives of significantly boosting the supply of homes or securing a mix of housing to meet identified need.

Other Matters

27. The site lies within the St Marks Conservation Area (the CA). The significance of the CA is in part derived from the rows of terraced housing with a regular rhythm of building lines and fenestration which gives a uniformity to the built form. There is a variety of rear additions to the terrace in which the property sits. The proposed rear extensions would be consistent with others on the terrace in terms of scale, form and materials and the replacement windows would be timber with integral bars in traditional style. A residential use would be maintained. I am satisfied that the proposal would preserve the character and appearance of the CA.

Conditions

28. 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. A materials of construction condition is necessary in the interests of the character and appearance of the area.

Conclusion

29. 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

² Appeal reference APP/N5660/W/23/3330091