

Appeal Decision

Site visit made on 15 July 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2024

Appeal Ref: APP/N5660/W/23/3334040

11 Argyll Close, London SW9 9QL

- 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 Mr V Scannapieco (The Straight & Narrow Company Ltd) against the decision of the Council of the London Borough of Lambeth.
 - The application reference is 23/02356.
 - The development proposed is the erection of one additional storey to create 2 x 1B/1P flats with associated cycle storage facilities.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one additional storey to create two one-bedroom, one-person flats with associated cycle storage facilities at 11 Argyll Close, London SW9 9QL in accordance with the terms of the application, Ref 23/02356, and subject to the conditions in the attached schedule.

Procedural Matter

2. On 30 July 2024, the Government published a consultation on "*Proposed reforms to the National Planning Policy Framework and other changes to the planning system*" and the "*National Planning Policy Framework: draft text for consultation*", alongside a Written Ministerial Statement entitled "*Building the homes we need*". The Framework proposals include measures to increase the delivery of housing, but they remain in draft form and attract limited weight at this stage. I am satisfied that the proposed changes do not fundamentally alter the policies most relevant to the appeal and do not prejudice any party. Therefore, whilst I have had regard to these as material considerations, it has not been necessary to seek further comments from the parties.

Main Issues

3. The main issues are i) whether the proposal would provide a suitable standard of accommodation for future residents, and ii) whether a legal agreement should be required in relation to promoting sustainable transport, in particular restricting on-street car parking permits eligibility and providing car club and cycle hire membership for future residents.

Reasons

Standard of Accommodation

4. Policy D6 of the London Plan (March 2021) (the LP21) requires high quality design in developments which meets minimum space standards and other

criteria to ensure a good standard of accommodation. Policy H5 of the Lambeth Local Plan (September 2021) (the LLP) contains similar criteria, but further stipulates that each residential unit should provide at least 10sqm of external amenity space for each residential unit. The supporting text of the policy states that, in exceptional circumstances, the provision of internal living space equivalent to the external space requirement may be accepted with a proportion of dwellings where it is demonstrated that the site constraints make it impossible to provide open amenity space for all dwellings in flatted developments.

5. Two one-person studio units are proposed within a mansard roof extension to the existing three storey building. At 38.7sqm and 43sqm respectively, the units would exceed the 37sqm internal space requirement of Policy D6. They would also provide the required internal storage space of 1sqm. The floor-to-ceiling height of 2.3m would fall short of the 2.5m requirement of the LP21, but noting that the flats within the existing building have 2.3m ceiling heights, I concur with the Council that requiring 2.5m would lead to a taller and visually incongruent top storey to the building.
6. The Council's concern relates to the lack of private external amenity space for both flats. Its position is that both units would provide more than the minimum internal space, but the amount in excess of the minimum, at 1.7sqm and 6sqm respectively, would fail to achieve the required 10sqm space internally to compensate for the absence of external space.
7. The provision of external space undoubtedly adds to the quality of residential units, but equally many flatted units exist without external space that are not regarded as providing substandard accommodation. In this case, the shape of both units is dictated by the unique shape of the existing building, and it is clear from the plans that the maximum extent of the roof area is proposed to be built upon, meaning that the provision of the additional 12.3sqm of space sought by the Council, whether internal or external, would not be feasible without a substantial change to the design that would likely mean either altering the overall size and shape of the building or that only one residential unit could realistically be provided.
8. The proposed layouts reflect those of the floors below and provide defined cooking, sleeping and living spaces. Whilst neither would reach the 10sqm uplift over the minimum standard sought under Policy H5, they would still exceed the minimum and would provide suitable, functional spaces in units aimed at single occupants. Both units would also provide dual if not triple aspect and would have suitable levels of sunlight and daylight.
9. Moreover, the appeal site is noted as having a PTAL¹ rating of 6b, meaning it has excellent accessibility to public transport that would allow residents to reach and make use of public open spaces nearby. There are public parks a short walk away at Slade Gardens and Max Roach Park. The site is also in a highly accessible location to reach the many shops, facilities and other amenities of both Brixton and Clapham within around ten minutes' walk.
10. Drawing these considerations together, there would be conflict with Policy H5 through the failure to provide 10sqm of private external space for each flat. However, the flats would provide some compensatory internal space above

¹ Public Transport Accessibility Level

minimum requirements and a functional layout with suitable levels of light, ventilation, outlook and storage. The site is in a highly accessible location to reach areas of public open space and local amenities. Alongside the clear physical constraints in realising the required levels of external amenity space at roof level, these are material considerations which I find overcome the conflict with Policy H5 and overall, a suitable standard of accommodation would be provided for occupants.

Sustainable Transport

11. The Council's reason for refusal relates to the failure of the appellant to secure through a Section 106 agreement restrictions on occupants obtaining residents' parking permits and provision of car club and cycle hire membership for occupants.
12. Policy T1 of the LLP, in line with the same policy of the LP21, promotes sustainable patterns of development in the borough, minimising the need to travel, maximising trips made by sustainable modes and reducing dependence on the private car.
13. The site has an excellent PTAL rating of 6a and lies within a controlled parking zone (CPZ). It is also located at the end of a short cul-de-sac which contains a school entrance with 'Keep Clear' restrictions. I have no evidence which quantifies the level of parking pressure which exists, though it is reasonable to consider that the existence of the CPZ and the particular constraints of the cul-de-sac indicates pressure for parking does exist in the area. To prevent further parking stress, Policy T6 of the LLP seeks a restriction on parking permit eligibility for new occupants in areas with PTALs of 4-6 or where the development falls within an existing or planning CPZ. I am satisfied that the particular circumstances in this case warrant such a restriction.
14. Moreover, to further encourage sustainable travel modes, Policies T3 and T6 of the LLP respectively require new residential development to include memberships of cycle hire schemes and car clubs.
15. The appellant has provided a completed unilateral undertaking (UU) which would restrict the eligibility of future residents for car parking permits and provide memberships for car clubs and cycle hire schemes. The terms of the UU align with the aforementioned policy expectations and I am satisfied that these obligations would accord with the relevant tests for planning obligations set out in the Framework. Subject to the terms of the UU, the proposal would promote sustainable transport modes in accordance with Policies T1, T4, T5 and T6 of the LP21 and Policies T1, T3 and T6 of the LLP.

Other Matters

16. The site lies adjacent to, but outside of, the Stockwell Green Conservation Area (SGCA), a small conservation area characterised by smart late-Georgian buildings built around, and later on, a former, triangular open space of Stockwell Green. It is also located to the rear of Grade 2 listed dwellings on the present Stockwell Green, with the existing building having been constructed on what was formerly the rearmost part of the gardens of Nos 26 and 27.

17. The Council has not opposed the design of the mansard roof extension, noting its form and materials would be sympathetic to surrounding development and it would retain its residential character. Although it would become marginally taller than the adjacent terrace, it is a freestanding building in an anchoring position at the end of the cul-de-sac, where a taller structure terminating the view would be an acceptable design approach. The traditional form of the extension would also complement the architecture of the adjacent listed buildings and conservation area, although views of both would be limited to private views from the rear of dwellings on Stockwell Green. Nonetheless, I concur with the Council's conclusions in this matter and find that the proposal would preserve the character and appearance of the SGCA and the settings of the listed buildings on Stockwell Green.
18. The Council did not refuse the proposal for any other reason, including housing mix, neighbours' living conditions, waste storage, sustainable design or fire safety, subject to matters being addressed by conditions in some cases. I have had regard to the comments of interested parties in my assessments of these matters, but on the evidence before me I do not reach different conclusions to the Council.

Conditions

19. I have had regard to the list of conditions put forward by the Council. The appellant has indicated their agreement to these conditions where they are found to accord with the relevant tests for planning conditions set out in the Framework. Where necessary, I have made minor adjustments to conditions to ensure clarity and precision.
20. Alongside the standard time limit for implementation, a condition setting out the approved plans is necessary, to provide certainty as to the development permitted.
21. A construction traffic management plan is necessary to minimise impacts on the operation of the highway and protect the living conditions of neighbouring occupants. It is necessary that this condition is pre-commencement as it relates to impacts that would arise from the outset of development, and would be ineffective if triggered at a later stage. A further condition regulating emissions from machinery used on site during construction is also necessary to protect air quality.
22. A condition specifying the materials to be used on external finishes is necessary to ensure a satisfactory appearance. Details and implementation of bin and cycle storage are required to ensure suitable waste management and to promote sustainable transport. Finally, details of how the development would limit water consumption are also required to promote sustainable design, reduce energy usage and carbon dioxide emissions.

Conclusion

23. The proposal would accord with the development plan in most respects, with the exception of the failure of the proposal to provide the required private external space or compensatory internal space, which results in conflict with Policy H5(B)(ii) of the LLP. However, material considerations in this case indicate that the proposal would nevertheless provide a suitable standard of accommodation and this policy conflict would be overcome.

24. Beyond this, there would be further benefits from the addition of two residential units in a highly accessible location, in line with the Framework aim of boosting the supply of housing nationally, and modest economic benefits generated through the construction phase and thereafter by residents patronising local businesses.
25. Therefore, I find that the material considerations in this case outweigh the limited development plan conflict and point to the proposal being a sustainable form of development for which planning permission should be granted. Therefore, the appeal is allowed.

K Savage

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawing numbers:
 - 941-001 - Site Location Plan
 - 941-002 – Existing Block Plan
 - 941-003 – Existing Floor and Roof Plans
 - 941-011 – Existing Elevations 1
 - 941-012 A – Existing Elevations 2
 - 941-102 C – Proposed Block Plan
 - 941-103 E – Proposed Floor and Roof Plans
 - 941-111 D – Proposed Elevations 01
 - 941-112 E – Proposed Elevations 02
- 3) No demolition or development shall commence until full details of the proposed construction methodology, in the form of a Method of Construction Statement, have been submitted to and approved in writing by the local planning authority. The Method of Construction Statement shall include details regarding:
 - a) The notification of neighbours with regard to specific works;
 - b) Advance notification of road closures;
 - c) Details regarding parking, deliveries, and storage;
 - d) Details regarding dust mitigation;
 - e) Details of measures to prevent the deposit of mud and debris on the public highway; and
 - f) Any other measures to mitigate the impact of construction upon the amenity of the area and the function and safety of the highway network.

No demolition or development shall commence until provision has been made to accommodate all site operatives', visitors' and construction vehicles loading, off-loading, parking and turning within the site or otherwise during the construction period in accordance with the approved details. The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the Method of Construction Statement.
- 4) All new external work and finishes and work of making good shall match the original work in respect of the materials, colour, texture, profile and finished appearance, except where indicated otherwise on the drawings hereby approved or unless otherwise required by condition.

- 5) Prior to the first occupation of any part of the development hereby permitted and notwithstanding any indication on the hereby approved drawings, full details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in full prior to the first occupation of the development hereby permitted, and the cycle parking shall thereafter be retained solely for its designated use.
 - 6) Prior to first occupation of the development hereby permitted, details of the waste and recycling storage, including details on how they will be presented for collection, shall be submitted to and approved in writing by the Local Planning Authority. The waste and recycling storage areas/facilities should comply with the Lambeth's Refuse & Recycling Storage Design Guide (2022) and Waste Storage and Collection Requirements - Technical Specification (2023)), unless it is demonstrated in the submissions that such provision is inappropriate for this specific development. The development hereby permitted shall be thereafter implemented and retained in accordance with the approved details prior to first occupation.
 - 7) Prior to first occupation of the development hereby permitted, the applicant must demonstrate that the internal water consumption will not exceed 105 L/person/day in line with The Water Efficiency Calculator for new dwellings from the Department of Communities and Local Government. Evidence (water efficiency calculator, schedule of fittings and manufacturer's literature) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in strict accordance with the approved details and the dwellings shall not be occupied until confirmation that the approved water metering and water saving measures have been installed has first been submitted to and approved in writing by the Local Planning Authority.
 - 8) If Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW is required on site during the course of demolition, site preparation and construction phases of the development hereby permitted, it must comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer must register all NRMM at <https://nrmm.london/user-nrmm/register> prior to bringing it on to site and shall keep the register up to date by listing all NRMM used during the demolition, site preparation and construction phases of the development.
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