



Appeal Decision

Site visit made on 8 August 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/N5660/W/23/3329229

10 Heyford Avenue, Lambeth, London SW8 1ED

- 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 Dr Ali against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 23/01224/FUL.
 - The development proposed is conversion of existing multiple occupancy dwelling into 3 self-contained flats, including a replacement rear and side single storey extension, and a loft conversion with new rear facing dormer.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are based on the reasons for refusal outlined on the Decision Notice and comprise:
 - The effect of the proposal on the living conditions of future occupiers, with regard to private amenity space;
 - whether the proposal would promote sustainable means of transport, with regard to on-site cycle parking or storage, and cycle hire;
 - the effect of the proposal on the availability of on-street parking and highway safety; and
 - whether the proposal would demonstrate high standards in sustainable design and construction.

Reasons

Living conditions

3. The appeal property is a three-storey mid terraced house in multiple occupation with a basement. It is situated in a predominantly residential area. It is set back from the footway behind a small frontage area enclosed by a boundary wall. Due to previous extensions, the rear of the property is only served by a small area of outdoor space.
4. The ground floor flat would have access to an internal courtyard and what would remain of the rear outdoor space. The remaining flats above would not have access to any private amenity space. All the flats would meet the minimum space standards required by the development plan but would not exceed them. Hence, additional space would not be provided internally to compensate for this deficiency. Whilst there are areas of green space within walking distance of the appeal site, these would not provide the same benefits

to occupiers of the flats that would be associated with private space, including for drying washing and sitting outside next to their homes. This lack of private amenity space would therefore harm living conditions of future occupiers.

5. I have been referred to a planning approval for a similar scheme at 59 Heyford Road¹. Whilst I do not have the full details of the proposal before me, even if this was approved with no outdoor amenity space, this does not provide justification for a further development that would be harmful to the living conditions of occupiers of the proposed flats. In any event I have determined this appeal on the site specific circumstances of this case and concluded that it would cause harm for the reasons set out above.
6. I conclude that the proposal would harm the living conditions of future occupiers, with particular regard to private amenity space. It would conflict with Policies H5 and H6 of the Lambeth Local Plan 2020-2035 (2021) (LLP) and Policy D6 of the London Plan (2021) which together amongst other matters seek to ensure that development provides accommodation of appropriate standards.

Sustainable transport

7. Policy T5 of the London Plan requires development to provide appropriate levels of cycle parking, which is fit for purpose, secure and well located. Table 10.2 of the policy sets out the minimum standards and requires one cycle parking space per person for one-bedroom dwellings and two spaces for all other dwellings.
8. The small frontage area of the property would be of insufficient size to accommodate cycle storage and in addition the limited space within the flats indicate that cycle storage could not be satisfactorily accommodated within the property. No cycle parking provision or storage has been shown on the submitted plans.
9. Policy T5 of the London Plan does allow for exceptions where on-site cycle parking is not possible. However, the provision of off-site cycle parking, possibly in a hanger within the highway would require the payment of a commuted sum which would need to be secured through a planning obligation. Without this before me I cannot be certain that cycle parking provision could be made available for the proposed three flats.
10. In addition, whilst I acknowledge that the appellant would be willing to provide access to cycle hire, this should be in addition to cycle storage facilities and would not be sufficient to mitigate the lack of cycle provision. From the evidence before me, it has not been proven that the proposal would promote sustainable forms of transport.
11. Consequently, the proposal would not promote sustainable means of transport, with regard to onsite cycle parking or storage, and cycle hire. It would therefore not comply with Policies H6, T3 and Q13 of the LLP and Policy T5 of the London Plan which together amongst other matters seek to ensure that development provides adequate secure and covered cycle parking.

¹ Ref 22/03032/FUL

Parking and highway safety

12. Heyford Avenue is a one-way street within a Controlled Parking Zone (CPZ). On my mid-morning site visit I saw that the street was heavily parked although some parking space was available. Nevertheless, the CPZ also supports the Council's aims of encouraging the use of public transport and improving air quality.
13. The proposed development makes no provision for on-site parking and there is the potential for it to generate demand for additional on-street parking. The appellant has indicated a willingness to provide a planning obligation as the mechanism to ensure that the development is car free and to provide membership to a car club, to contribute to a cycle hanger and for cycle hire, however a duly executed obligation is not before me. I do not consider that a condition would be sufficient to ensure that the development would be permit free as it would be unlikely to meet the tests of precision or enforceability.
14. In the absence of an appropriate and lawful mechanism to secure such, the proposal would not deliver a permit free development and would therefore compromise highway safety through increased on-street parking pressures and potential additional vehicle movements to find parking spaces. It would therefore be contrary to Policies H6 and T6 of the LLP and Policy T6 of the London Plan which, amongst other things, requires developers to demonstrate that their development will not adversely affect on street parking and highway safety.

Sustainable design and construction

15. The Council's fourth reason for refusal refers to the application having failed to provide evidence that the proposal would demonstrate a high standard of sustainable design and construction. This relates to the aims of Policies SI1, SI2 and SI3 of the London Plan, which refer to air quality, greenhouse gas emissions and energy infrastructure.
16. Whilst conditions relating to the submission of information relating to sustainable design and construction may be appropriate in some circumstances, there is no evidence before me that the conversion of the building to three flats could achieve the necessary targets.
17. I conclude that there is insufficient evidence to ensure that the proposal would demonstrate a high standard of sustainable design and construction. It would therefore conflict with Policies SI1, SI2, and SI3 of the London Plan and Policy EN4 of the LLP which seek to ensure that development meets high standards of sustainable design and construction.

Planning Balance

18. The appeal scheme would not accord with the development plan in relation to living conditions of future occupiers, with particular regard to private amenity space, sustainable travel, parking and highway safety and sustainable design and construction. It would however stay in residential use and new self-contained residential accommodation would be provided. This would contribute to the mix and supply of homes in the area. However given the magnitude of the development, this would attract limited weight in favour of the proposal. The proposal would be in a sustainable location, however it does not demonstrate that it would encourage sustainable travel. I acknowledge that the

proposal would remove a poor-quality single storey rear and side extension and improve the appearance of the property. However, the proposed extension would not be visible from the street, therefore this would attract only limited weight in favour of the proposal. Whilst the proposal would not affect the living conditions of the occupiers of adjoining properties, this would weigh neither for nor against the appeal scheme.

19. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and I find that the adverse impacts of the proposal are matters of significant weight against the grant of planning permission that outweigh the stated benefits. On this basis and in this case, the presumption in favour of sustainable development would not apply.

Conclusion

20. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Senior

INSPECTOR