



Appeal Decision

Site visit made on 15 October 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2024

Appeal Ref: APP/N5660/W/24/3345256

98 Bromfelde Road, London SW4 6PS

- 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 Tom Raffe against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 23/03068/FUL.
 - The development proposed is erection of a 3-storey single dwellinghouse plus basement, including front and rear lightwells and provision of cycle/refuse storages and boundary treatment. The Front of the property is to be set out in line with the neighbours facade.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are a) whether the proposal would provide acceptable living conditions for future occupiers with specific regard to light and private amenity space; and b) whether the proposal would promote sustainable means of transport, with particular regard to car club and cycle hire membership and on street parking.

Reasons

Living conditions

3. The proposed dwelling would be three stories plus a basement, have front and rear lightwells and be set at the same depth from the road as the projection to the side of 96 Bromfelde Road. Whilst this would reduce the impact of the proposal on the living conditions of the neighbouring occupiers, the resultant dwelling would have a limited depth and width. The area to the front would accommodate cycle and refuse storage as well as a lightwell to serve the basement and landscaping.
4. The scheme is for a two-bedroom three-person dwelling. The bedrooms are shown as being on the first and second floors. There would be a living area on the first floor and a kitchen and storage area on the lower ground floor. An additional room on the ground floor is shown on the plans as a gym/office space. Whilst a shower is shown, it does not appear to be a bedroom. Moreover, it would have access to a small outdoor space via patio style doors which would be served by lightwells.
5. Whilst the Council have assessed this room as having the potential to be used as a bedroom, which it no doubt has, the evidence suggests that is not the

intention and to base a formal assessment on it being so would be conjecture having regard to the plans. The inclusion of the lightwells would allow sufficient light for the use of this space as a non-habitable room.

6. Policy H5 of the Lambeth Local Plan 2021 (LLP) requires 30 square metres of private amenity space per house. There would be approximately 15 square metres provided to the rear of the property. Whilst the set back to the front of the property would provide additional space, due to traffic and opportunities for passing pedestrians to have direct views into it, it would not provide an acceptable level of privacy or as a practical space for relaxing, drying washing and other domestic activities. Occupiers would have access to nearby parks and play areas, but these do not provide sufficient privacy. This lack of a sufficiently suitable amount or quality of outdoor space would therefore harm living conditions of future occupiers.
7. Whilst the matter of light in regard to this main issue would be acceptable, the harm in regard to the quality of the garden space would result in an unacceptable standard of living conditions for future occupiers of the proposed development. This would bring the appeal scheme into conflict with Policies Q2 and H5 of the LLP and Policy D6 of the London Plan 2021 which together, and amongst other matters, seek to ensure that development provides sufficient external amenity space and adequate outlook avoiding undue sense of enclosure.

Sustainable Transport and Car Parking

8. The appeal site is within a Controlled Parking Zone (CPZ) and does not make provision for off street parking. It is also within an area that has a high Public Transport Accessibility Level (PTAL) rating. There is no evidence before me pertaining to existing local capacity for parking within the CPZ, but the fact it is one indicates such is at a premium in the very general sense. As a single new dwelling it is likely, in the absence of anything to the contrary or explicit controls, to generate a need for car parking.
9. London Plan Policy T6 explains that car parking should be restricted in line with PTAL levels and car free development should be the starting point for all development in places that are well connected in this regard. I am mindful of this, the above and it appearing to be the appellant's intention to enter into an agreement with the Council or otherwise to effectively confirm the proposed development would be car free.
10. The Council appear to suggest an agreement under Section 106 of the 1990 Planning Act (S106) would be required, in the interests of a development advanced as being car free, to secure appropriate provision for access to sustainable modes of transport, membership to a car and cycle hire club and for future occupiers to not apply for parking permits. Despite the appellant's intentions, no agreement under S106 or other similar legislative provisions has been advanced and, at the time of writing, there is thus no sufficiently robust mechanism before me to be able to say for certain the appeal scheme would be car free and acceptably promote the use of sustainable means of transport. This would, for this reason, be contrary to the aims of London Plan Policy T6 and Policies T1 and T3 of the LLP.

Other Matters

11. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving or enhancing the character or appearance of the Sabella Road Conservation Area. The significance of which derives in part from the gridiron layout of streets producing uniformly sized plots with a variety of architectural building styles. The Council do not consider that the proposal would detrimentally impact the character or appearance of the Conservation Area. From my observations and having regard to the scale and location of the proposed development within the above context, I have no reason to disagree.

Planning Balance and Conclusion

12. The appeal scheme would not accord with the development plan in regard to the main issues. I would ascribe these matters substantial weight given their nature and scope. It would however provide new self-contained residential accommodation in a sustainable location and would contribute to the mix and supply of homes in the area. Due to the scale of the proposals, I would afford these matters moderate weight. With this and the above in mind, it is clear that there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan. The appeal should therefore be dismissed.

H Senior

INSPECTOR