



Appeal Decision

Site visit made on 14 January 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2025

Appeal Ref: APP/N5660/W/24/3349426

114 Thurlow Park Road, Lambeth, London SE21 8HP

- 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 Rodney Peters against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 24/00999/FUL.
 - The development proposed is conversion of part of lower ground floor into a studio flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 and updated on 7 February 2025. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
3. I have assessed the appeal scheme based on the plans before me and I observed at the time of the site visit that the works to convert the lower ground floor into a studio flat were largely complete. However, internal access to the existing residential accommodation on the lower ground floor was still possible and the studio flat did not appear to be occupied. I have dealt with the appeal on that basis.

Main Issues

4. The main issues raised by this appeal are:
 - whether or not adequate living conditions would be created for future occupiers of the proposal, with particular regard to outlook, daylight, ventilation, and outdoor amenity space; and
 - whether or not the development would support sustainable modes of travel.

Reasons

Living conditions

5. The appeal site comprises a large, detached three storey residential building occupying a spacious plot on the corner of Thurlow Park Road and Carson Road. The building has been sub-divided into residential accommodation and the

proposal is for an additional residential flat on the lower ground floor. Internally, the studio flat has an open plan bedroom and living area, a small dining area, kitchen, bathroom and utility room.

6. Policy D6 of the London Plan, March 2021, amongst other things, states that housing development should be of high-quality design with comfortable and functional layouts which are fit for purpose, and normally avoid the provision of single aspect dwellings, avoid overheating and provide sufficient daylight, whilst also maximising the usability of outside amenity space. Policy H5 of the Lambeth Local Plan 2020-2035 (the Local Plan), amongst other things, requires proposals for new residential development to accord with the principles of good design and will be expected to provide dual-aspect accommodation, unless exceptional circumstances are demonstrated, and meet the minimum private internal space standards set out in London Plan Policy D6.
7. The accommodation benefits from a large bay window that serves the open plan bedroom and living area. However, there are no other windows in the external walls of the studio accommodation. As a result, the studio flat is single aspect accommodation.
8. Even though it is suggested that a window could be added to the utility room, it is not a habitable room. The room also has a secluded position, accessed through the bathroom. As a consequence, a window in the utility room would not provide an adequate solution.
9. Furthermore, while the kitchen is served by a 'sun pipe' and the dining area a roof light, the size and height above floor level would offer a limited outlook for future occupants. The juxtaposition of the 'sun pipe' and roof light, with the gable wall of the neighbouring property, also adds to the unsatisfactory nature of the outlook from these features. Moreover, even in the context of the studio flat being similar to a basement flat, where outlook from windows is likely to be limited, it does not ease my concern that the single aspect outlook would provide unsatisfactory living conditions for future occupants.
10. For the same reasons as set out above, the level of natural light into the kitchen and dining area is limited. Likewise, the amount of natural light into the open plan bedroom and living area is also limited, due to the window facing north. As a result, the accommodation is relatively dark and internal lighting would need to be switched on for much of the day and at night. Collectively, these factors would not create a satisfactory living environment for future occupants.
11. While it is suggested that a condition to secure a daylight study would be acceptable to the appellant, I cannot be certain, on the evidence before me, that the findings of a daylight study would overcome the concerns. As such, a condition would not meet paragraph 57 of the Framework, which requires planning conditions to only be imposed where, amongst other things, they are necessary, enforceable, precise and reasonable in all other respects.
12. The lack of other openable windows would mean that the bay window is the only source of natural ventilation. However, the kitchen and bathroom have ventilation fans, and the appellant has suggested that the 'sun pipe' and roof light could be adapted so that they are openable, and this could be secured by a suitably worded planning condition. On the evidence before me, I am satisfied that this would overcome the ventilation concerns.

13. A small, contained area of outdoor amenity space for the future occupants of the studio is located at the rear. Even though the outdoor amenity space is disconnected from the studio, it is easily accessible from the studio and would provide future occupants with a suitable, private environment for sitting out in a high-density urban context.
14. For the above reasons and on the evidence before me, whilst acceptable ventilation and outdoor amenity space for future occupiers would be provided, I conclude that adequate living conditions would not be created for future occupants of the proposal, with reference to outlook and natural light. Therefore, the development would not be in accordance with Policy D6 of the London Plan and Policy H5 of the Local Plan.

Sustainable modes of travel

15. The appeal property benefits from a garage and a large frontage driveway with access onto Thurlow Park Road. The driveway is tarmacked and is large enough for a number of vehicles to park and manoeuvre within the site.
16. The appeal site is not within a Controlled Parking Zone (CPZ). However, the Council advise that should a CPZ be created on nearby streets then future occupiers should be prevented from applying for parking permits. This would need to be secured by an agreement under Section 106 of the 1990 Planning Act (S106). The S106 would also secure Car Club membership and Cycle Hire Club membership for future occupants of the proposal.
17. A completed S106 has not been submitted with the appeal but the appellant has confirmed that they would be happy to accept a condition to provide the appropriate S106.
18. The Planning Practice Guidance states that a positively worded condition which requires the applicant to enter into a planning obligation or an agreement under other powers, is unlikely to pass the test of enforceability.
19. Consequently, in the absence of a legal mechanism to restrict future occupiers from obtaining parking permits and providing future occupiers with car club and cycle hire membership, I conclude that the development would not support sustainable modes of travel. Therefore, the development would not accord with Policy D4 of the Local Plan, which seeks S106 planning obligations to ensure that development proposals provide or fund, amongst other things, cycle improvements, car clubs and parking restrictions.

Other Matters

20. An additional new dwelling in an accessible urban area would add to the mix of housing in the area and contribute to boosting the supply of new housing, as referenced in the Framework. However, the benefits of one dwelling in boosting housing supply in the area would be limited and the benefits would not outweigh the harm which I have identified.

Conclusion

21. For the reasons given above the appeal should be dismissed.

N Bromley INSPECTOR