



Appeal Decision

Site visit made on 27 February 2025

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 March 2025

Appeal Ref: APP/N5660/W/24/3355700

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 David Lonsdale of Lonsdale Property Development Ltd against the decision of the Council of the London Borough of Lambeth.
- The application reference is 24/02409/FUL.
- The development proposed is the erection of a 3-storey single dwellinghouse, including front and rear lightwells and provision of cycle/refuse storages and boundary treatment.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development would:
 - Provide acceptable living conditions for future occupiers, with particular regard to the amount of internal floorspace, and the quality and quantity of private amenity space; and
 - Make adequate provision to support and promote the use of sustainable modes of travel by future occupiers.

Reasons

Living conditions

3. The appeal site is an area of land next to No 96 Bromfelde Road, the end property of a four-storey residential terrace. It appears to have once formed part of the rear gardens of the adjacent 39 and 41 Gauden Road, though it has been separated off and most recently used for storage; it is currently disused. The proposed development is the erection of a three-storey dwelling, with a combined kitchen, living and dining room on the ground floor, and a bedroom and bathroom or shower room on each of the two upper floors. There would be garden areas to the front and rear.
4. The main parties differ slightly in their calculation of the floorspace of the proposed dwelling; the appellant calculates that it would have a gross internal area ("GIA") of around 76m², compared to the Council's figure of 75m². Policy H5 of the 2021 Lambeth Local Plan ("the LLP") and Policy D6 of the London Plan 2021 apply space standards for new residential development which reflect the Nationally Described Space Standard ("the standard" or "the NDSS")¹. For a two-bedroom dwelling on two storeys, the standard requires a minimum GIA of 70m² where there

¹ *Technical housing standards – nationally described space standard*, Department for Communities and Local Government 2015

would be three bedspaces, and 79m² for four bedspaces. The appellant suggests that the development would “exceed the minimum space standards set for a two-bedroom, two-person single-family dwelling”, but the NDSS does not set a standard for such a dwelling, and it is not clear from the evidence before me precisely what the appellant considers that requirement would be.

5. The NDSS also does not set a minimum space standard for a two-bedroom dwelling on three storeys presumably because, in my experience, it is a very unusual arrangement. It is self-evident that adding a storey will usually also mean that more of a dwelling will need to be given over to staircases and circulation space, and it also therefore seems reasonable that the minimum space requirement should rise to reflect this. Where there would be three or more bedrooms, changing the dwelling from two storeys to three adds 6m² to the minimum floorspace requirement set out in the NDSS, regardless of the number of bedspaces. Increasing the requirement for a two-bedroom, three-person dwelling by the same amount would suggest that 76m² would be the minimum floorspace capable of providing acceptable living conditions, with 85m² being the minimum for a two-bedroom four-person dwelling.
6. The NDSS requires a single bedroom to have a floor area of at least 7.5m², and a double or twin bedroom to have a floor area of at least 11.5m². The submitted drawings show that the first-floor bedroom would have an area of 11.5m², while the second-floor bedroom would have an area of 12.8m². Both bedrooms would therefore be capable of accommodating two people in reasonable conditions and, regardless of the appellant’s intentions at this stage, they would be likely to be used as such at some point in the future. The occupancy of the bedrooms is not a matter which in my view could be controlled by a condition, and I therefore consider that the dwelling should be assessed as a two-bedroom property with four bedspaces, which is what the Council has done. In this light, the larger floorspace figure which the appellant has calculated would not comply with the space standard set out in the NDSS for a dwelling on two storeys, even before taking into account the need to increase the requirement to allow for the third storey.
7. Policy H5 of the LLP also requires that “for new houses, 30m² [of] private amenity space per house should generally be provided”. The appeal scheme would include 30m² of garden space, but 15.6m² of this would be at the front and would lack adequate privacy. The supporting text to Policy H5 is clear that “because of traffic and overlooking front gardens lack the privacy required to serve residents’ need for leisure, play or relaxation”, and so should not be counted towards private or communal amenity space provision; the appellant comments that they “[do] not accept this claim”, but that is what the LLP says.
8. The supporting text goes on to say that in exceptional circumstances a smaller quantity of private amenity space per house may be acceptable where it is demonstrated that it will adequately meet the needs of the intended occupants. However, while the appellant has challenged the Council’s reasoning on this matter, no positive points were put to me to demonstrate how the lower provision of private space proposed here would meet future occupiers’ needs. Although there are parks nearby, as well as a small playground at Denis Way, which would provide space for some leisure activities, they would not address the need for adequate private space.

9. The appellant has referred to a grant of planning permission² where the Council has apparently accepted front garden space within its overall assessment that a new dwelling would be “suitable for families with children and [would provide] the required private outdoor space”. No further detail has been provided however, so I cannot be sure that the circumstances are comparable, and that other example does not weigh significantly in favour of this appeal scheme. On the other hand, the matter was considered in a recent dismissed appeal decision at this site³ and, although the two schemes are not the same, none of the evidence before me indicates that reaching a different conclusion on the matter of amenity space would be justified.
10. I conclude that, because of shortfalls in the amount of internal floorspace, and the quality and quantity of private amenity space, the proposed development would not provide acceptable living conditions for future occupiers. It therefore conflicts with Policies Q2 and H5 of the LLP, and Policy D6 of the London Plan 2021. Together, and among other things, these policies seek to ensure that development provides and maintains high standards of amenity, including in respect of privacy, and that adequate living and private amenity space is provided in line with the standards (including those of the NDSS) which I have summarised above.

Sustainable travel

11. The appeal site is in an area with very good public transport connectivity, with a Public Transport Accessibility Level of 5. It is also within a Controlled Parking Zone (“CPZ”), and it is not proposed to create any off-street parking to serve the new dwelling. The development plan seeks to promote and support the use of sustainable means of travel and reduce dependence on the private car, including by making new development car-free and CPZ permit-free in areas where public transport accessibility is high, and by providing residents of new development with membership of car club and cycle hire schemes.
12. The need for such provision is not disputed by the appellant, who commented that they “would have readily agreed to a standard Section 106” to address these matters. This would require the appellant to submit a unilateral undertaking, but no completed obligation has been provided to me during the appeal.
13. In the absence of such a mechanism, I conclude that the development would not make adequate provision to support and promote the use of sustainable modes of travel by future occupiers. The proposal therefore fails to comply with policies T1, T3 and T6 of the LLP which together seek to promote sustainable travel, avoid unacceptable cumulative impacts on on-street parking, and support the use of measures such as car clubs and parking restrictions which reduce dependence on the private car.

Other Matter

14. The appeal site is within the Sibella Road Conservation Area. I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As heritage assets are irreplaceable, Paragraph 202 of the National Planning Policy Framework (“the

² LPA Ref: 23/03945/FUL

³ PINS Ref: APP/N5660/W/24/3345256

Framework”) states that they should be conserved in a manner appropriate to their significance.

15. The Council describes the Conservation Area as an area of speculative mid-19th century two- to four-storey housing, laid out in a terraced grid, with varying gothic and Italianate style detailing, but with a simple palette of materials. The scale and massing of the proposed dwelling would be in keeping with the wider area, and the proposed materials would reflect those of the existing adjacent terrace. In determining the planning application, the Council was satisfied that the character and appearance of the Conservation Area would be preserved. None of the evidence before me, including what I saw during my visit, leads me to a different view on this matter. A lack of harm in this respect is a neutral matter in the overall balance.

Conclusion

16. The proposed development would provide an additional dwelling, in a location which is close to a range of shops and services including public transport connections. The appeal site is not in an attractive condition at present so, not only would the development preserve the character and appearance of the Conservation Area, it is likely that the site’s appearance would be improved. Given the small scale of the scheme as a whole, these are benefits which carry moderate weight in its favour.
17. However, the development would not provide acceptable living conditions for future occupiers. It would also not make adequate provision in respect of sustainable transport. These shortcomings carry considerable weight, and in my view outweigh the modest benefits of the scheme. As a result, the proposal would conflict with the development plan taken as a whole, and there are no other considerations, including those of the Framework, that outweigh this conflict.
18. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector