



Appeal Decision

Site visit made on 4 June 2025

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2025

Appeal Ref: APP/N5660/W/25/3360081

Traemore Court, 81 Knollys Road, Lambeth, London SW16 2JW

- 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 Richard McKeown (Imperiet Property Group on behalf of Kendall Contracts Limited) against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 24/01090/FUL.
 - The development proposed is the erection of a 3 storey block of 8 residential flat (Use Class C3), together with the provision of refuse and cycle storage, access improvements, and significant ecological and landscaping enhancements.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would prejudice the optimum future redevelopment of a neighbouring site,
 - the effect of the proposed development on the living conditions of neighbouring residential occupiers with regard to, outlook, daylight and sunlight,
 - whether the proposal would deliver a mix of housing that would contribute to mixed and balanced communities,
 - whether the proposed development would be acceptable in terms of its accessibility for a range of users,
 - whether the proposed development would provide satisfactory accommodation for its future occupants, with regards to overlooking and perceived overlooking,
 - whether the proposal would make adequate provision to restrict future occupiers from applying for parking permits in the event of a controlled parking zone being introduced in the area and to ensure the provision of cycle hire membership, car club membership, and an on-street disabled car parking space, and
 - whether the proposed development would make adequate provision for matters relating to fire safety.

Reasons

Redevelopment of neighbouring site

3. The appeal site is situated largely to the rear of Traemore Court, a four-storey block of flats. There are a variety of buildings along this section of Knolly's Road, mainly fronting the road with garden and parking areas to the rear.
4. The proposal would replace the existing single storey garages with a three-storey block of flats. The neighbouring site at No's 1 to 12 Canute Court consists of a parking and landscaped area to the rear of the main apartment building. The proposed building would have a number of balconies at first and second floor levels along the boundary with this neighbouring site at Canute Court. Whilst screening would prevent harmful overlooking, and access doors on this flank elevation serving the private amenity areas are secondary openings, the layout of the proposed development and the positioning of the terraces would severely limit the construction of a building on the neighbouring site due to the need to ensure adequate levels of light to the amenity spaces being proposed on this development.
5. There has been no indication of whether a development would come forward or the form of such development on the neighbouring site. Any potential scheme would however likely be for a residential use given the surrounding land uses and in a similar siting to the proposed building on the appeal site and the constructed Marziale townhouses on the neighbouring site to the south-west. This could place undue constraints on the scale, siting and the form of the neighbouring development. It would be necessary for any proposal on the neighbouring site at Canute Court to be well-designed, but given the form of the proposed development, it would likely significantly curtail the development of this neighbouring site.
6. Notwithstanding that the neighbouring site can be accessed independently of the appeal site, and that a scheme could come forward on this neighbouring plot that didn't include openings on its flank, this would not overcome the harm that I have identified in relation to the proposal potentially sterilising the neighbouring site at No's 1 to 12 Canute Court.
7. I conclude therefore that the proposal would unduly prejudice the optimum future redevelopment of the neighbouring site, and as such, it would be contrary to Policy Q7 of the Lambeth Local Plan 2020-2035 (Local Plan) and Policy D3 of The London Plan, which seek, amongst other matters, to ensure that new development does not prejudice the optimum future development of adjoining plots.

Living conditions – neighbouring residential occupiers

8. The main section of the proposed building would broadly align with the neighbouring Marziale townhouses. The rear wing would project further to the rear, and despite its height and projection, it would be set away from the boundary with this neighbouring site. Given this separation and that the side elevation of the outrigger would have a green wall finish that would be seen from the neighbouring townhouses against the wider verdant backdrop, it would not appear overly dominant or result in a harmful loss of outlook.

9. The appellant's Daylight & Sunlight Assessment¹ considered the effects of daylight and sunlight on the occupiers of neighbouring properties. This included consideration of the effects on the gardens of the neighbouring Marziale townhouses. The Council has raised concerns on the accuracy of the updated 2-hour sun on ground analysis, but from the information before me, the analysis was conducted with a high wooden fence along the boundary between the appeal site and the nearest neighbouring townhouse, but with the internal wire fences between the gardens of the townhouses excluded as they allow sunlight through. A subsequent update included pleached trees atop the fence which found the neighbouring outdoor amenity spaces would receive sufficient direct sunlight. As such, there is sufficient evidence before me that demonstrates that the proposed development would be acceptable.
10. I conclude that the proposal would be acceptable in relation to the living conditions of neighbouring residential occupiers with regard to outlook, daylight and sunlight. As such, it would be compliant with Policies Q2 and Q14 of the Local Plan and Policies D3 and D6 of The London Plan which seek, amongst other matters adequate outlooks and for development not to have an unacceptable impact on the levels of sunlight on adjoining property, including their gardens or outdoor spaces. It would also be compliant with Paragraph 135 of the National Planning Policy Framework (Framework) in relation to it seeking a high standard of amenity.

Mix of housing

11. The appeal proposal would predominantly provide 1-bedroom flats, with a small number of 2-bedroom units. This mix, along with the lack of family-sized accommodation would not meet the housing size mix sought by Local Plan Policy H4. The supporting text to the policy does however set out that the rigid application of these requirements may not be appropriate in all cases.
12. The appellant's evidence sets out the need for 1 and 2-bedroom market properties over the plan period, which this proposal seeks to cater for. Whilst there is also an acute need for family sized units, the viability evidence provided demonstrates that the inclusion of a 3-bedroom unit would not be viable. Although evidence of build costs and sale values have not been included, I have nothing substantive before me that is contrary to the Appellant's submissions.
13. Given the comparative evidence provided between the appeal scheme and an alternative that includes a 3-bedroom unit, the overall size of the scheme which comprises of a total of 8 units, and that the provision includes a range of accommodation for 1, 2 and 3 person households which there is an identified need for, I consider the housing mix proposed would provide for local need.
14. To conclude, the proposal would deliver a mix of housing that would contribute to mixed and balanced communities and as such, would not be contrary to Local Plan Policy H4 or Policy H10 of The London Plan, which seek, amongst other matters, schemes that generally consist of a range of unit sizes.

Accessibility for a range of users

15. The proposed building is set at a significantly lower level than Knolly's Road and the access from the highway is therefore along a route which has a steep gradient.

¹ Blue Sky Surveyors

A new stepped approach is proposed, alongside a platform lift for wheelchair or pushchair users. The lift would enable step free access into the proposed ground floor units from the footpath level at Knolly's Road. Although the lift would cover a distance of around 30 metres, the likelihood of conflict with pedestrians would be low given the development comprises of a total of 8 flats and there would be clear visibility between the top and bottom of the stepped approach. A suitably worded condition to address this matter would have been possible, had the development been otherwise acceptable.

16. I conclude on this issue that the development would be acceptable in relation to its accessibility to a range of users. As such, it would be compliant with Policy Q1 of the Local Plan and Policies D5 and D7 of The London Plan, which seek the highest standards of accessible and inclusive design.

Living conditions – future residential occupiers

17. The proposed scheme would have large glazed openings and amenity spaces on its elevation towards Traemore Court that would serve a variety of habitable rooms. This neighbouring building has windows across its four-storey elevation that would face the proposed development. There would however be a separation of around 23m between the main elevations, with the protruding balcony serving Unit 7 having a separation with the Traemore Court building of around 21m. Given these separation distances, future occupiers would not experience harmful levels of overlooking. The neighbouring five-storey Marziale block is located closer to the proposed building, but it would have an angled relationship, as would its communal outdoor area which would prevent significant overlooking. These factors, alongside the difference in levels and the proposed boundary treatment would be effective in mitigating perceived overlooking.
18. Given the above, I conclude that the appeal development would provide satisfactory accommodation for its future occupiers with regards to overlooking and perceived overlooking. As such, it would comply with Local Plan Policies Q2 and H5 and Policies D5 and D6 of The London Plan, which seek, amongst other matters, acceptable standards of privacy.

Legal agreement

19. It is necessary for the development to restrict resident's car parking permits given the parking demand and congestion on the highway network near the appeal site once a Controlled Parking Zone (CPZ) has been introduced, and for cycle hire membership and car club membership to be provided to future occupants for these same reasons.
20. A Unilateral Undertaking has been submitted which includes provision for these memberships and permit restrictions. The undertaking also requires financial contributions towards the implementation of a CPZ and for the provision of a disabled car parking space and an EV charging point which the main parties agree are necessary. I am satisfied that the undertaking is necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably related in scale and kind to the development.
21. I therefore conclude that the proposal would make adequate provision to restrict future occupiers from applying for parking permits in the event of a controlled parking zone being introduced in the area and to ensure the provision of cycle hire

membership, car club membership, and an on-street disabled car parking space. As such, it would comply with Policies T1, T3 and T6 of the Local Plan, which seek, amongst other matters, to reduce dependence on the private car and maximise trips by sustainable modes.

Fire safety

22. An updated Fire Strategy Report² has been provided with the appeal, which identifies the location of the nearest public fire hydrant. As this is within 90m of the proposed dry riser inlet, which the Council has confirmed is an acceptable distance, and given the lack of any other concerns on fire safety, the submitted information demonstrates the proposed development would be acceptable in this regard.
23. Accordingly, it is concluded that the proposed development would be acceptable in relation to fire safety, and it would comply with Policy D12 of The London Plan, which seeks, amongst other matters, the highest standards of fire safety.

Other Matters

24. The proposed development subject of this appeal represents a reduced scheme following pre-application advice. I am required to determine the appeal proposal before me on its own merits.
25. The site is in an area which is at low probability of flooding and is not affected by other designations such as being within a conservation area. It would also be acceptable in relation to existing trees, energy and refuse management. These are however neutral matters and not considerations which weigh in favour of the proposal.

Planning Balance & Conclusion

26. The proposal would contribute to meeting the significant need for new homes, and more specifically, the need for smaller accommodation. This would make a positive contribution to the supply of housing, but given the scheme would comprise of 8 units, I attach moderate weight in favour of this, and to the commensurate landscaping and ecological enhancements that are proposed.
27. I have found no harm in relation to living conditions, the mix of housing, accessibility, fire safety and in relation to the provision of a legal agreement. These and other referenced matters are however neutral considerations and not ones which weigh in favour of the development.
28. I have found that the proposed development would be harmful to the optimum future redevelopment of the neighbouring site. This harm would be long lasting, and I attribute significant weight to it. As such, the benefits of the proposal would not outweigh the identified harm.
29. 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, I conclude that the appeal should be dismissed.

F Rafiq INSPECTOR

² Fire-Q Ltd (18/10/2024)