



Appeal Decision

Site visit made on 16 June 2025

by Andreea Spataru BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2025

Appeal Ref: APP/N5660/W/25/3363248

105 Durban Road, London SE27 9RW

- 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 Luigi Burgio against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 24/01936/FUL.
 - The development proposed is described as 'Creation of new 2 bed unit ground floor and 'part' first floor in curtilage of No 105'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has submitted several sketches, which show amendments to the original plans. However, I have considered the appeal scheme based on the plans on which public consultation has been carried out and on which the Council made its assessment, in the interest of fairness and precision.

Main Issues

3. The main issues are:
 - The effect of the proposal on the living conditions of the occupiers of Nos 101 and 105 Durban Road (Nos 101 and 105), with particular regard to outlook, the occupiers of No 101 with particular regard to daylight and sunlight, and future occupants with particular regard to internal space;
 - The effect of the proposal on the character and appearance of the area; and
 - Whether the transport effects of the proposal have been adequately addressed.

Reasons

Living conditions

4. Nos 101 and 105 dwellings have their entrance doors to the side. No 101 has a narrow walkway which leads to the main entrance and further down towards the rear garden. There is currently a fence and vegetation between No 101 and the appeal site. At the time of my site visit No 101 had several ground floor openings in its flank elevation. The Council's evidence indicates that one of those windows is the only window serving a bedroom. The proposal would create a narrow walkway for No 105, which would provide access to the entrance door.

5. The proposed dwelling, due to its overall mass, scale and siting in relation to the adjoining dwellings, would lead to an intensified sense of enclosure for the occupiers of the adjoining dwellings. The proposal is not directly comparable with a garden wall, as asserted by the appellant, particularly due to the difference in the overall mass and scale. Other such access paths within the area do not justify the proposal, which would affect the outlook of the occupiers of No 101 and 105, to the detriment of their living conditions.
6. Given its overall projection and siting in relation to the windows serving non-habitable rooms of dwelling No 101, the single storey part of the proposed dwelling is unlikely to result in significant harm to the living conditions of the occupiers of No 101 regarding daylight or sunlight. However, the two-storey part of the proposed dwelling would project along part of the two-storey flank elevation of No 101, which has a bedroom window at the ground floor level. As the proposed dwelling would be located to the west of No 101, in close proximity to that ground floor bedroom's only window, the proposal would reduce the level of daylight and might affect the levels of sunlight for that habitable room. In the absence of sufficient information to the contrary I must find the scheme would harm the living conditions of the occupiers of No 101, with regard to daylight and sunlight.
7. Policy D6 of the London Plan (LP) requires, amongst other things, a minimum floor to ceiling height of 2.5 metres for at least 75 per cent of the gross internal area of each dwelling and a minimum floor area of 11.5 square metres for a double bedroom. The appellant's evidence indicates that the ceiling height would be the required 2.5 metres and that the proposed ground floor bedroom would have a floor area of 11.5 square metres. Accordingly, the proposal would provide acceptable living conditions for future occupiers with regard to the required internal space, in accordance with the aims of Policy H5 of the Lambeth Local Plan 2020-2035 adopted 2021 (LLP) and LP Policy D6.
8. For the reasons set out above, the proposal would harm the living conditions of the occupiers of No 101 with regard to outlook and daylight and sunlight, and the living conditions of the occupiers of No 105 with regard to outlook. Therefore, the development would be contrary to the aims of LLP Policies Q2 and Q3, which collectively require developments, amongst other things, to provide adequate outlooks, avoid any undue sense of enclosure, and not have an unacceptable impact on levels of daylight and sunlight. Due to the overall harm identified, I give significant negative weight to the conflict with the development plan.

Character and appearance

9. Policy Q5 of the LLP states that proposals will be supported where it is shown that design of development is a creative and innovative contextual response to positive aspects of the locality and historic character in terms of, amongst other things, the use of low maintenance, robust and durable walling materials. The supporting text of this policy indicates that all developments should be built in materials that are durable (chosen in order to minimise future maintenance burden) and robustly detailed for longevity, such as brick and Portland stone (or similar). Due to its poor performance and poor appearance in local conditions, render finishes and detailing on new developments (painted or unpainted) will generally be discouraged.
10. During my site visit I observed that dwellings within the surrounding area vary in terms of materials. Brick and various shades of render are common within

proximity of the appeal site. Whilst the proposed render, which would match dwelling No 105, would not appear out of context, particularly within the street scene of the appeal site, the proposal would fail to sustain and reinforce the local distinctiveness through durable materials as aimed by Policy Q5 of the LLP.

11. Given the secluded position of the proposed first-floor door to the rear, this element alone would not have a significant effect on the character and appearance of the area.
12. However, on balance, due to the choice of materials, the proposal would be detrimental to the character and appearance of the area. Thus, it would be contrary to the aims of LLP Policies Q5, Q7, and Q8 which collectively require, amongst other things, that developments are built of durable, robust, and low-maintenance materials. Given the scale of the development and the street context, which includes several rendered properties, I give limited negative weight to this conflict with the development plan.

Transport

13. LLP Policy T1 promotes sustainable pattern of development in the borough, minimising the need to travel, maximising trips made by sustainable modes and reducing dependence on the private car. LLP Policy T3 promotes cycling and requires, amongst other things, the provision of appropriate secure and covered cycle parking facilities. It also states that for a minimum of three years free membership of the Cycle Hire scheme for all residents regardless of tenure should be made available in new residential developments.
14. LLP Policy T6 concerns parking and states that development should be permit free where the development has a Public Transport Access Level (PTAL) of 4-6 and/or where the development falls within an existing or planned controlled parking zone. It also states that development should make car club membership available to all residents in new residential development. The supporting text for LLP Policy T6 states that the provision of car club membership will be required for all residents from first occupation of a development scheme. Planning obligations will be used to secure such contributions.
15. The supporting text for LLP Policy T6 also indicates that in areas where there are currently no on-street parking controls, developers will be expected to demonstrate that new development does not lead to an unacceptable increase in the level of on-street parking, or an unacceptable impact on highway safety. Developers will be expected to provide, or contribute towards, measures that prevent this from happening, including contributions towards the introduction of parking controls and also towards measures to promote sustainable travel such as improvements to public transport capacity and infrastructure for walking and cycling.
16. The Council has stated within the Planning Officer's report that the appeal site has a PTAL of 2 and is not within an existing controlled parking zone. There is no substantive evidence before me to demonstrate that there is a planned controlled parking zone for the appeal site's area. The proximity of the site to a PTAL 4 area does not trigger the requirements of LLP Policy 6 regarding permit free developments.
17. Despite the appellant's assertions that the document dated 5/3/2025 covers all the issues regarding s106 agreements, I have not been provided with a valid planning

obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) (s106 agreement). The appellant indicates that the existing dropped kerb could be raised to provide additional on street parking. The submitted plans indicate that cycle parking would be provided to the front of the dwelling. However, this would not be sufficient to satisfy the requirements of the aforementioned policies, particularly in the absence of s106 agreement to secure car club and cycle hire membership.

18. Consequently, the proposal has not demonstrated that the transport effects of the proposal have been adequately considered and thus fails to maximise trips made by sustainable modes and reduce dependence on private cars. Accordingly, it conflicts with the aims of LLP Policies T1, T3 and T6, as set out above. Given the scale of the development, I attach moderate negative weight to this conflict.

Other Matters

19. I acknowledge the appellant's concerns over the Council's handling of the application. However, this is not a matter that I can consider under a Section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

Planning Balance

20. The Council acknowledges that it is presently unable to demonstrate a 5-year supply of deliverable housing sites. I have found that the proposal would conflict with the development plan in that it would harm the living conditions of the occupiers of neighbouring properties, the character and appearance of the area, and fails to adequately address the transport effects of the proposal, to which I have given significant, limited, and moderate weight, respectively.
21. I have found that the proposal would provide adequate internal space for future occupiers. This is a neutral matter rather than one that carries positive weight for the development.
22. Due to the housing land supply position, paragraph 11d) of the National Planning Policy Framework (the Framework) is relevant. As such, it is necessary for me to determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist the Council in addressing its undersupply.
23. To be weighed against the conflict with the development plan is the provision of one dwelling, which would attract some economic benefits, albeit small given the scale of the development. The proposal would also include improvements to the existing dwelling No 105. Given the scale of the development, these benefits would attract minor weight. Consequently, the harm to living conditions, character and appearance of the area, and transport, would significantly and demonstrably outweigh the limited benefits of the proposal when assessed against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

24. The development would conflict with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal

should be decided other than in accordance with it. Therefore, for the reasons given, the appeal should be dismissed.

Andreea Spataru

INSPECTOR