



Appeal Decision

Site visit made on 16 September 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th September 2025

Appeal Ref: APP/N5660/W/25/3366707

67 Union Road, London SW4 6JF

- 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. John Orphanou against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 25/00043/FUL.
 - The development proposed is conversion of existing dwelling into 3 self-contained residential units together with the provision of cycle and refuse storage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Reference has been made to an emerging London Plan. I have limited information before me on the status of this plan or any policies; it therefore carries limited weight in this appeal.

Main Issues

3. The main issues are:
 - whether the proposed development would provide adequate living conditions for future occupiers, with particular regard to internal and external space and natural light;
 - whether the proposed development would support sustainable means of travel and mitigate its effects on the surrounding highway network;
 - whether the property is appropriate for residential conversion with regard to development plan policy; and,
 - whether the proposed development would preserve or enhance the character and appearance of the Sibella Road Conservation Area.

Reasons

Living Conditions

4. The Council has assessed the submitted floor plans against the minimum internal space requirements set out in Policy D6 of the London Plan (2021) (LP), which is also required by Policy H5 of the Lambeth Local Plan 2020-2035 (2021) (LLP). The Council considers that each of the three flats would be significantly below the minimum required gross internal areas and also fails to provide the required

amount of storage space. For flat 3, the proposed double/twin room is also below the required 11.5 square metres.

5. While the appellant disputes the figures in the officer report, they have not provided any contrary calculations or other evidence to refute the Council's figures. Moreover, the appellant appears to concur that the rooms do not fully comply, arguing that full compliance would result in contrived layouts with areas of unfunctional space.
6. In my opinion, the failure to meet the minimum standards would lead to the units being unduly small, resulting in unsatisfactory living conditions for the future occupiers, contrary to the aims of Policy H5 of the LLP and D6 of the LP which, amongst other matters, seek to achieve good design in new residential development.
7. Whilst the space requirements are based on the Technical Housing Standards – nationally described space standards (2015), which in itself is guidance only, they have nonetheless been adopted as development plan policy. Policy H5 of the LLP requires these standards to be applied to new residential development, including conversions. There is nothing in Policy D6 of the LP or Policy H5 of the LLP to suggest that these standards are only applicable to larger housing developments.
8. Policy H5 of the LLP also expects the provision of dual-aspect accommodation, unless exceptional circumstances are demonstrated. Flat 1 is split between the ground and first floor, with the ground level kitchen/living area being only single-aspect. Flat 3 is split between the ground and basement level, with all external openings on the rear elevation; therefore, it also fails to provide dual-aspect accommodation. I have no substantive evidence to indicate that the submitted layout is the only way in which the building envelope can be developed, therefore I find that this does not justify as an exceptional circumstance to which single-aspect accommodation would be permitted.
9. The appellant opines that other conversions on the road do not have dual-aspect accommodation. I do not know the circumstances under which they were constructed or their planning history and therefore cannot draw any direct comparisons with the proposal that would weigh in its favour.
10. Policy D6 of the LP also requires sufficient sunlight and daylight. The living room and bedroom 3 of flat 3 are located at basement level, with each room having a single window on the rear elevation that faces a narrow lightwell. In the absence of substantive technical evidence, such as a daylight or sunlight report, I am not persuaded that future occupants of flat 3 would have sufficient levels of natural light in the basement. Additionally, the limited outlook from the basement windows would create a strong-sense of enclosure for future occupiers, which would be detrimental to their living conditions. Although the basement development was granted planning permission in a previous application, that was for non-habitable accommodation and thus is not comparable to the appeal proposal.
11. The Council also raise concerns regarding the external amenity space. Although the plans show front garden space for flat 2, its location at the front of the property makes it unsuitable as private amenity space. Nevertheless, the submitted plans show at least 10 square metres of private amenity space would be provided for each of the three flats to the rear, meeting the space requirements set out at Part B ii of Policy H5 of the LLP.

12. Policy H5 also states that ground-floor flats and family-sized units should preferably have direct access to a private garden. While flat 3 would have this, flats 1 and 2 would not. Moreover, creating private rear gardens would require some form of tall boundary treatment. Considering the boundary treatment, the location of the garden for flat 2, and with the proposed cycle store and shed, I am not persuaded that the outdoor amenity space would be a pleasant space to spend time in. Considering all of the above points, I do not consider the garden space would be adequate.
13. On this main issue, I conclude that the proposal would not provide adequate living conditions for future occupiers with regards to internal and external space for all flats and the light and outlook in flat 3. The proposal would therefore conflict with Policy H5 of the LLP and Policy D6 of the LP. Together these seek high-quality well designed homes. There would also be conflict with Policy Q2 of the LLP which seeks to ensure adequate outlook and external amenity space are provided and Policy Q27 of the LLP which requires basement development, amongst other matters, to meet the necessary standards for habitable accommodation in relation to factors such as outlook, daylight and sunlight.

Travel

14. Policy T6 of the LP says that car-free development should be the starting point for all proposals that are well connected by public transport. The supporting text explains that as the population grows, a fixed road network cannot absorb the additional traffic that would result from a continuation of current levels of car ownership. Policy T6 of the LLP reflects this approach and outlines that development should be permit free where development has a public transport accessibility level (PTAL) score of 4-6 and/or where the development falls within an existing or planned controlled parking zone (CPZ).
15. As the appeal site has a PTAL score of 5 (very good accessibility) and is within a CPZ due to the limited parking provision for existing residents, the development should be made permit-free in line with Policy T6 of the LLP.
16. Securing the development as car-free will ensure that demand for on-street parking does not increase as a result of the proposal, as occupiers would not be eligible for a residential parking permit in the CPZ. This would also reduce dependency on private vehicles, in line with the aims of both the London and Lambeth Local Plan policies.
17. In terms of how car-free development should be secured, LLP Policy D4 details where Section 106 planning obligations will be sought, and criterion B(viii) of this policy includes parking restrictions. As such, the requirement for a Section 106 obligation to ensure the proposed development is car-free in order to prevent future occupants from obtaining a parking permit, is both reasonable and necessary.
18. As no legal agreement has been submitted to prevent future occupiers from obtaining parking permits, the proposal is in conflict with Policy T6 of the LPP and LP.
19. I acknowledge that three off-street parking spaces are proposed at the appeal site. While this would make residents less likely to use on-street parking within the CPZ, this cannot be guaranteed. The provision of off-street spaces would not assist in

reducing car-ownership and traffic on the road network more generally, which is the aim of Policy T6 of the LP in seeking car-free development.

20. Further, Policy T6 of the LP sets out that where sites are redeveloped, parking provision should reflect the current approach and therefore proposals for on-site parking are not supported by local plan policy. Whilst two spaces may have been approved on a previous application, I have very limited information on what that scheme related to therefore cannot be sure of the circumstances which led to their approval.
21. Criterion D(iii) of LLP Policy T6 also requires new development to promote and provide car club membership. As such, there is a requirement to secure car club membership for the future occupants of the proposed flats, in accordance with this policy. The supporting text within LLP Policy T6, at paragraph 8.35, states that planning obligations will be used to secure such contributions. Furthermore, criterion B(viii) of LLP Policy D4 lists car clubs as a requirement to be secured via a Section 106 planning obligation. As such, the requirement for a Section 106 obligation to secure membership to the car club for future occupiers is both reasonable and necessary.
22. Turning to cycling, I note the appellant would be amenable to providing a cycle hangar, and that the scheme provides cycle parking in accordance with Policy Q13, T1 and T3 of the LLP. However, Criterion H of LLP Policy T3 requires all residents in new residential developments to be provided with a minimum of three years free membership to the Cycle Hire scheme. The supporting text of Policy T3, at paragraph 8.18, states that cycle hire access should be provided in addition to the minimum cycle parking requirements. There is no legal agreement before me to secure this.
23. In conclusion, on this issue, in the absence of legal agreement to secure car-free development, cycle hire scheme and car club membership, the development would not support sustainable means of travel or mitigate its effects on the surrounding highway network. It would therefore be contrary to Policies T5 and T6 of the LP and Policies D4, T1, T3 and T6 of the LLP. Together, these policies seek to ensure, amongst other things, that development reduces the dependence on the private car and that occupiers of new residential developments are provided with access to both car club membership and the Cycle Hire scheme.

Appropriateness

24. Policy H6 of the LLP seeks to restrict residential conversions of dwellings suitable for occupation by families of less than 130m² (as originally constructed – pre 1948). This is to ensure, amongst other matters, mixed and balanced communities with a choice of family-sized housing and to manage the cumulative effects of residential conversions on environmental quality and local amenity.
25. The Council have ascertained that the existing dwelling has a total floorspace of 112m², falling below the minimum 130m² required for a property to be eligible for residential conversion. While the appellant claims that the original property was 156m² and was rebuilt after 1948 due to bomb damage, they have not provided any evidence to substantiate this figure, so its accuracy cannot be confirmed. Notwithstanding this, even if I were to have evidence to substantiate this figure, and acknowledging that the proposal would provide a range of dwelling sizes in accordance with Policy H4 of the LLP, Part B of Policy H6 of the LLP requires a list

of criteria which all have to be met for the property to be appropriate for residential conversion.

26. Given my findings in respect of the main issues relating to living conditions and travel, the proposal would fail to meet the criteria at Part B i) and v) of Policy H6. This requires that each new self-contained unit meets the standards for new residential accommodation set out in Policy H5 of the LLP and seeks to prevent residents from obtaining parking permits. The proposal would thus remain in conflict with Policy H6 of the LLP.
27. For the above reasons, I conclude that based on the evidence submitted, the property is not appropriate for residential conversion and is therefore in conflict with Policy H6 of the LLP.

Character and appearance

28. The appeal site lies within the Sibella Road Conservation Area (CA) which is characterised by mid to late Victorian terraced and semi-detached properties. Although there is some variation in the style and detailing of properties, there is an overall consistency in plot width, building line, roof height and materials. These features contribute positively to the character and appearance of the area with the significance of the CA partly derived from this sense of coherence. The CA is therefore a fine and well-preserved example of mid-late Victorian speculative development. However, the existing property appears somewhat of an anomaly within the existing terrace, set lower down than the properties either side and with materials that do not match the other properties in the terrace. The proposal, by replicating the roof height and building elevation of the other properties in the terrace, along with utilising matching brickwork, would increase the sense of coherency within the CA, therefore enhancing the character and appearance of it.
29. The Council's concern is focussed on the external amenity space. Surrounding rear gardens of properties within the CA are generally of a similar size and undivided. This arrangement contributes positively towards the sense of coherency. The proposed subdivision of the garden would appear contrived and incongruous, at odds with the consistent pattern observed within the wider area and would thus harm the significance of the CA. However, a planning condition to prevent the subdivision of the rear garden would overcome this concern. Instead, communal garden space could be provided for the three flats. This would also allow for the bike and bin storage to be located in a central position, rather than being dispersed.
30. Subject to the imposition of a planning condition preventing the subdivision of the rear garden, I conclude that the proposal would preserve the character and appearance of the CA. As such, the proposal would accord with Policy Q5, Q14, Q15 and Q22 of the LLP, which insofar as relevant to this main issue, collectively seek to ensure that developments positively respond to the building and their context and preserve the character or appearance of conservation areas. It would also comply with Policy D3 of the LP, which seeks proposals that positively respond to local distinctiveness.
31. Policy D1 and D4 of the LP have been cited on the decision notice. However, these appear to be strategic policies and I do not find them determinative in this particular case.

Other Matters

32. I recognise that the revised Framework seeks the need to make effective and efficient use of land and I am also mindful of the Governments ambition of significantly boosting the supply of homes with the increased expectation for London to deliver more housing. The appeal scheme would support these aims. However, the Framework also seeks to ensure safe and healthy living conditions and I have found conflict in this regard.
33. Although the appellant highlights the need for non-family housing due to the increase in single person households, the proposal is not providing single person accommodation, this factor is therefore of limited relevance to this appeal.

Conclusion

34. I have found that the proposal would not have an adverse effect on the character and appearance of the area. However, this does not outweigh the harm that I have found in relation to the standards of living accommodation and sustainable travel.
35. These conflicts bring the proposal into conflict with the development plan considered as a whole. The material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

T Bennett

INSPECTOR