



Appeal Decision

Site visit made on 23 September 2025

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd October 2025

Appeal Ref: APP/N5660/W/25/3363768

69A Kings Avenue, Brixton Hill, Lambeth, SW4 8DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Jan Slominski against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 24/02189/PIP.
 - The development proposed is the redevelopment of 69A Kings Avenue, SW4 8DX, to provide one additional house to the side of the original house.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Jan Slominski against the Council of the London Borough of Lambeth. This application is the subject of a separate decision.

Preliminary Matters

3. The permission in principle consent route has two stages: the first stage, the permission in principle (PIP) establishes whether a site is suitable in-principle, and the second stage, the technical details consent (TDC) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages. The scope of the considerations for PIP is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if PIP is granted. I have determined the appeal accordingly and treated the submitted plans as being indicative only.

Main Issues

4. The main issues are whether the site is suitable for the proposed development, having regard to its location, the proposed land use, and the amount of development.

Reasons

Location and land use

5. The site is in a built-up urban area, close to a good range of services, facilities and public transport. Its existing use is residential, and it is surrounded by other residential uses. I noted that the road to the front of the site is busy during the day, but traffic levels are likely to be lower at nighttime, and measures could be incorporated into any new dwelling to protect future occupiers from traffic noise. The site is also adjacent to the vehicular access and bin store of the adjacent

apartment block, but the new house would be no closer to these than existing dwellings and there is no evidence before me to suggest that these would result in unacceptable living conditions for future occupiers.

6. I therefore conclude that the site is in a sustainable location and that the existing and surrounding land uses would not in principle make the site unsuitable for new residential development.

Amount of development

7. The proposed development is described on the application form as the redevelopment of 69A Kings Avenue to provide one additional house to the side. The dwelling range is stated on the application form as being a minimum of two and a maximum of two. The site area is stated as being 0.00276 hectares for the whole of the site outlined in red, which includes the existing semi-detached house. The proposed block plan, which is not labelled as illustrative or indicative, indicates that house one would comprise most of the existing dwelling with new extensions added, and house two would comprise the area occupied by the existing two-storey side extension, part of the original dwelling and additional new extensions. It is unclear from the information submitted how the remainder of the plot would be subdivided, how much of the site would become curtilage to the new house, how much would be retained as curtilage to the existing house, or if any areas would be shared between the two.
8. The supporting information submitted with the application is a material consideration and its purpose is to demonstrate to decision makers and interested parties how the site may be developed. The Design and Access Statement (DAS), in its text and illustrations, provides extensive detail on how the existing house could be extended, remodelled and subdivided to create two new dwellings. The planning statement on the other hand refers to the construction of one new dwelling to replace the side extension of the existing house. It states that any other extensions to the existing dwelling would be considered through a separate application and that the extensions shown in the DAS are intended only to demonstrate how the existing dwelling could continue to provide a family home, in addition to providing a further house to the side. This implies that rather than creating two new houses as stated on the application form, the proposal would be to alter the existing dwelling and to construct one new dwelling to the side following the demolition of the two-storey side extension.
9. Planning Practice Guidance (PPG) is clear that permission in principle cannot be granted for householder development. Whilst I accept that alterations and extensions intended to form part of the existing dwelling could be subject to separate householder or prior approval applications where necessary, if the site could not accommodate an additional house to the side as described in the application, without reliance upon works to alter the existing dwelling, which cannot be controlled via the PIP process, a full application should have been made to enable a holistic approach to be taken. The TDC stage would only require details of the proposed new house to be submitted and would not cover householder development necessary to maintain or secure the existing dwelling as a family home.
10. In assessing the amount of development and number of houses that could be accommodated within the site, it is necessary to have regard to the character and

appearance of the area. Just because a house can fit into a space in a sustainable residential area, that does not mean it would be acceptable. Applying that logic, PIP should be granted for houses in all gardens and spaces in sustainable residential areas, regardless of whether they would be likely to gain TDC. I am advised that the appellant wanted to establish the principle of development before going to the expense of obtaining detailed plans. It would be unreasonable to grant PIP for a site that appears to have no reasonable prospect of delivering the amount of development proposed in an appropriate manner. Such action would give false hope and result in wasted time and expense at the TDC stage.

11. As the application seeks permission in principle only, the elevations are not before me and the floor plans provided are only indicative. However, from my site visit and the location plans, I saw a clear pattern of development currently exists. The site is at the end of a row of semi-detached and terraced houses, which sit between the apartment blocks known as Clapham Court and Pembroke House. These houses are sited closely together and despite some minor differences are relatively uniformed in terms of their plot form and size, front building line, height, width and frontage appearance, with each having ground and first floor bay windows below a front gable projection, a further window above the front door, gardens and/or off street parking to the front, and gardens to the rear. This uniformity makes a distinctive and positive contribution to this part of Kings Avenue. The existing two-storey side extension, which is set back from the front elevation, has an asymmetrical cat slide roof with low level eaves to the front and its ridge height well below that of the main house, is a subordinate addition that does not sub-divide the plot or detract from the strong pattern of development in the area.
12. The plot occupied by the existing dwelling is long and narrow. The provision of a new house to the side of the existing one is reliant upon the demolition and/or conversion of part of the existing dwelling. The supporting information submitted indicates that new extensions to the rear and to the roof of the existing dwelling would be constructed to ensure it is retained as a family sized house following its partial demolition and/or conversion. The combined extensions necessary to create a new house and to compensate for the loss of space in the existing house, would result in the overdevelopment of the plot. The demolition of the side extension would leave a narrow strip of space to the side of the existing house, which would not reflect the established plot width in the area and could not accommodate a house of the same or similar proportions and appearance as others within the row it would form part of and be viewed in context with. Consequently, the proposal would fail to respect the established pattern of development and uniformity, which are distinctive characteristics of the locality.
13. Other side and rear extensions in the area that have been drawn to my attention form part of existing dwellings, and do not subdivide the plots they fall within to create smaller, higher density housing, that does not reflect the frontages they are viewed within. As the description of development specifically refers to a house to the side, the submission of a single storey one person home at the TDC stage, as is suggested in the appeal statement, would not accord with the PIP and would also not be in keeping with the uniformed row of existing well-established houses.
14. Whilst I acknowledge that it is not proposed to convert the existing dwelling into flats, its reduction in size and living space, together with the subdivision of the plot and its associated garden and parking space, would compromise its use as a family

home, or would necessitate further extensions and alterations to mitigate for the loss of floorspace, which cannot be secured through a PIP.

15. I therefore conclude that the redevelopment of the existing family size house, which is integral to the consideration of the proposal, cannot be controlled through the PIP process. The provision of a further house to the side of the existing dwelling, would result in the overdevelopment of the existing single dwelling plot, which would fail to respect the pattern of development in the area, given the limited width of the plot and the likely necessary increased height and depth of the building adjacent to the side boundary. Accordingly, the proposal would be harmful to the character and appearance of the area, and the site is unsuitable for the increased amount of development to two dwellings.
16. The proposal would fail to accord with policies Q5 and Q7 of the Lambeth Local Plan 2021 (the LLP), which seek amongst other things to reinforce local distinctiveness by supporting development that responds to the locality and adequately preserves or enhances the prevailing local character.
17. Whilst I find no conflict with policies Q8 or Q11 of the LLP, which relate to detailed design considerations not currently before me, or with policy H6 of the LLP, which seeks to protect small family homes from conversion into flats, the proposal would compromise an existing family home, and I afford moderate weight to this as a material consideration.

Other Matters

18. I am advised the internal layout of the dwelling is poor for a family home, albeit that is perhaps because it has been adapted for use as a 5-bedroom HMO. A new dwelling is not necessary to enable the extension, alteration or reconfiguration of the existing dwelling or HMO to reflect modern day requirements, and the smaller bedrooms would be acceptable for children. I am also advised that the adjacent row of terraced houses is dominated by HMOs, although I have not been provided with any evidence of this, which does not in any event affect their character and appearance or prevent those houses from being reoccupied as family homes. Given the proximity of the site to schools and a nursery, I fail to see why it would not be attractive to families.
19. The appellant's appeal statement suggests that the side extension may predate 1948, in which case its floor area may be classed as part of the original dwelling pushing it over the 130sqm threshold relevant to policy H6 of the LLP. However, as policy H6 relates only to conversions to flats, this is not particularly relevant. Furthermore, the original floor area of the dwelling as of 1948 remains unclear, with old OS maps showing only the building footprint, and the side extension would be removed from the existing dwelling to accommodate the proposal.
20. I have had regard to the other appeal decisions that have been drawn to my attention, but those cases did not relate to the redevelopment of an existing dwelling, and I have determined this case based upon its own merits.
21. As the effect of the development on the living conditions of occupiers of the adjacent flats was not a reason for refusal and would be a matter for consideration at the TDC stage had PIP been granted, I have not considered this matter further.

22. I acknowledge that there were some delays in the application process and that there was some misunderstanding between the main parties in relation to the description of the existing dwelling as a 2.5 storey terraced house, rather than a 2 storey semi-detached house, but these things do not effect any overall conclusions and are not pertinent to my determination of the appeal.

Planning Balance and Conclusion

23. It is undisputed that the Council is unable to demonstrate a five-year supply of housing land. As such paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged, and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
24. The Framework does not change the status of the development plan as the starting point for decision making. The proposal, although appropriate in terms of location and land use, would conflict with policies Q5 and Q7 of the LLP in terms of the harm the amount of development would cause to the character and appearance of the area. These policies are consistent with the Framework, and I afford them significant weight.
25. Subject to the granting of TDC, the proposal would provide one small house, in a sustainable location, which would make a modest contribution to the Council's housing land supply, and would generate some modest economic benefits during its construction phase and from local expenditure by future occupiers of the house. I afford these benefits moderate weight.
26. However, the proposal conflicts with the development plan and the Framework due to the significant harm it would cause to the character and appearance of the area. The site is not a vacant or underutilised small site, it provides a family home with associated garden and off-street parking, which make a valuable contribution to the supply and mix of houses in the area. The proposal would compromise the existing family home by reducing its size, including that of its curtilage, which is a material consideration. There is no evidence before me to indicate that there is a shortfall of smaller homes or an oversupply of family houses. Increasing housing numbers alone does not necessarily provide the right type of homes in the right locations and does not take precedence over other considerations. Householder alterations and extensions to the existing dwelling to ensure its retention as a family home cannot be secured through the PIP process.
27. As such, the adverse impacts of granting PIP would significantly and demonstrably outweigh the moderate benefits of delivering a single small home, when assessed against the Framework as a whole.
28. For the reasons given above, the proposal would conflict with the development plan when read as a whole, and material considerations do not indicate that a decision should be taken otherwise than in accordance with it. I therefore conclude that the appeal should be dismissed.

R Bartlett

INSPECTOR