



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: 10 October 2025

Appeal Ref: APP/N5660/W/25/3368538

13 North Street, Lambeth, London, SW4 0HN

- 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 Atlas Realty Ltd against the decision of the Council of the London Borough of Lambeth.
- The application Ref is 25/00880/FUL.
- The development proposed is conversion of the upper floors of the existing property into two self-contained flats (1-bedroom, 2-person units). The development includes internal reconfiguration, provision of private outdoor amenity space, cycle storage, and refuse storage, with no external alterations to the front elevation. The proposal aligns with relevant planning policies and aims to enhance the usability of the property while maintaining the character of the Clapham Conservation Area.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on i) housing needs and the loss of a family size dwelling; ii) living conditions of future occupiers of the flats having regard to internal and external space standards and noise and disturbance from the ground floor extraction system; iii) living conditions of occupiers of nearby dwellings with regard to overlooking, loss of privacy, noise and disturbance; iv) the character and appearance of the historic building and the Clapham Conservation Area (CCA); and v) cycle parking and car parking.

Reasons

Housing needs

3. Policy H6A of the Lambeth Local Plan (LLP) seeks to protect existing dwellings, which are suitable for occupation by families and are less than 130sqm, from conversion into flats. The appeal site comprises a large maisonette flat measuring 129sqm, which it is proposed to sub-divide into two smaller flats. I appreciate that the existing maisonette would not be particularly suitable for occupation by families with young children, pets, or anyone with mobility issues, given its lack of outdoor space, ground floor accommodation or a lift. However, not all families have young children, and there is no evidence before me to indicate that there is a greater need for smaller flats in this area than there is for larger flats, which comprise more spacious kitchen, dining and living areas, additional bedrooms and space for guests, home working and storage.
4. I therefore conclude that the proposal would result in the loss of a family sized dwelling, contrary to policy H6A of the LLP.

Living conditions of future occupiers of the proposed flats

5. Policies H5 of the LLP and D6 of the London Plan (LP), set out minimum internal and external space standards, which apply to all new dwellings, including conversions. Policy Q2 of the LLP, relates to amenity.
6. The proposal relates to the provision of two, one bedroom, two person flats, the minimum gross internal space standard of which is 50sqm, with 1.5sqm built in storage. It is not disputed that both flats exceed these requirements. The first floor flat would have a balcony providing 6.9sqm of outdoor space, and the second floor flat a balcony providing 5.1sqm of outdoor space. It is also not disputed that both areas would fall below the requirement of policy H5B of the LLP, which states that new flats should be provided with at least 10sqm of outdoor space each. Although policy D6 of the LP refers to a minimum of 5sqm of outdoor space, this only applies where no higher standards are required by the borough development plan. However, the Council's report accepts that the shortfall in outdoor space would be compensated for by the additional internal space. I also note that the existing larger flat has no outdoor space, but it does have more indoor space to compensate for this. I acknowledge that the provision of outdoor space is restricted by the need to preserve the historic environment, and that the site is less than 5 minutes walk or a 1 minute bicycle ride to Clapham Common, which offers an extensive area of public open space.
7. The bedroom in the second floor flat, annotated as being 11.5sqm on the submitted plans, has been measured by the Council as being approximately 11.2sqm, which is slightly below the minimum standard. However, there is a larger room in this flat, labelled as an office, which could be used as a bedroom. This would enable the smaller room to be used as an office and additional storage space within the flat, which would be beneficial given that the storage for this flat is shown to be inconveniently located on the first floor, outside of the flat. Ultimately, future occupiers would decide which room to utilise as their bedroom, and it is not necessary for furnished internal layout plans to demonstrate this. Conditions to restrict rooms within each flat to specific uses would be unlikely to pass the tests of being reasonable or enforceable. I am satisfied that this flat would provide a room above the minimum space requirement for a double bedroom.
8. It is also suggested that the second floor flat could accommodate a two-bedroom, three person flat, but that is not what planning permission is sought for. A two-bedroom, three person flat would require a minimum gross internal floor area of 61sqm plus built in storage of 2 sqm. The flat in question is less than 58sqm. The supporting text to policy H5 of the LLP encourages developers to exceed minimum space standards wherever possible.
9. Concerns have been raised regarding the effect of the existing extraction system serving the ground floor commercial use, on users of the proposed balconies in terms of noise and disturbance. The ground floor use, together with its opening and operating hours, would have been granted having regard to the surrounding residential uses. It is also apparent from the planning history set out in the Council's delegated report, that a condition requiring details of any ventilation and extraction system for the ground floor commercial use to be submitted and approved by the Council, was discharged in September 2016. The effect of that equipment on the adjoining residential upper floors would have been considered at that time. I acknowledge that balconies would not have been considered as there were none at

that time. However, noise and odour affecting the upper floor users when their rear windows were open would have been considered, and any effects on balcony users would be likely to be similar. I also note that the extraction system expels above the height of the roof. It is unclear what the other equipment on top of the flat roof extension is used for, which would be directly in front of the first-floor balcony, and could generate, noise, heat, fumes or vibrations, but the Council has not raised any concerns relating to this. The appellant has suggested a condition could be imposed to control noise and nuisance from the extraction system, but I have nothing before me to confirm that the ground floor business or equipment connected to it is within the appellant's ownership or control.

10. Taking all of the above issues into account, I conclude that the proposal would provide future occupiers of the proposed flats with a suitable standard of accommodation. As such, the proposals accord with policies H5 and Q2 of the LLP and policy D6 of the LP, which seek to ensure amongst other things that new dwellings have appropriate internal space, and external space which is practical and free from excessive noise, disturbance, pollution or odour. I do not consider policy H4 of the LLP to be directly relevant to this issue.

Living conditions of occupiers of adjacent dwellings

11. To the northern side and rear of the house there is a cul-de-sac serving several blocks of flats, known as Clarke House. To the southern side and rear there is an undercroft leading to a church and providing rear access to the site and adjoining terraced properties at 9-11 North Street.
12. The properties directly to the rear of the proposed balconies are some distance away and are separated from the site by the access, parking and turning area to Clarke House. Views across this area would be little different or closer from the proposed balconies than they are from the existing rear windows.
13. The block of flats to the side of the site, comprising numbers 4-6 Clarke House, has a rear projection with two side windows facing the proposed balconies. No objections have been raised by occupiers of nearby properties, and I have not been advised what rooms these windows serve. The balconies would potentially result in loss of privacy to these rooms. However, I do not consider that the balconies would provide views into the rear facing windows of either 4-6 Clarke House or 9-11 North Street given the distances and oblique angles. There are also no private residential gardens that would be overlooked.
14. The appellant has confirmed that to address the overlooking concerns, a condition could be imposed requiring 1.8m high privacy screens using conservation appropriate materials such as frosted glass or slatted timber to be incorporated into the balconies at the time of their construction and retained thereafter.
15. Given the small scale of the balconies and of the two person flats they would serve, I do not consider that their use would generate any noise or disturbance to occupiers of adjacent residential properties.
16. I therefore conclude that subject to the agreement of suitable privacy screening on the balconies, which I refer to again later in my decision, the proposal would not result in harm to the living conditions of occupiers of adjacent properties and would not conflict with policies Q2 of the LLP and D14 of the LP.

Character and appearance

17. The appeal site is situated on the end of a terrace comprising ground floor commercial premises with residential accommodation above. The building is neither statutorily or locally listed but is within the CCA wherein there is a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing its character or appearance.
18. Whilst most properties on the eastern side of North Street fall outside of the CCA, those on the western side, including the appeal property, development to either side of it, and the streets behind it, are included. From the limited information before me, I consider the significance of the CCA as a whole, to be derived from the large open common and the historic and architectural interest of the old town, including its strong linear form and layout of streets and the uniformity of materials and architectural detailing within each terrace.
19. The terrace within which the appeal site is located is less ornate than other buildings in this part of the CCA, including the red brick terraced houses to the south of it. The Clarke House Flat development to the north is a much later 20th century addition. The former school opposite the site is dated as 1809, rebuilt 1887.
20. The ground floor of the terrace comprises a mixture of shop fronts and signage. The fenestration on the upper floors retains its original uniformed proportions, albeit the windows themselves are varied. There is a parapet wall along the front of the terrace, with hipped valley roofs behind it that run from front to back. Number 13 projects further back than other properties in the terrace and has a hipped roof to the rear, unlike the gable ends to the rear of other properties within the terrace. Windows to the rear are less uniformed in terms of both size and position, there is a variety of rear extensions, and there are large steel flues to the rear of two of the properties. However, despite some unsympathetic alterations, the age and traditional design of the terrace, including the appeal site, continue to make a positive contribution to the historic and architectural significance of the CCA.
21. Given the varied windows that currently exist to the front and rear of the terrace, their replacement with the woodgrain textured white UPVC sash style windows, which from the ground cannot be distinguished as being UPVC, and which match those of the adjoining terraced property, preserve the appearance of the CCA. However, the long narrow proportions of the proposed balcony doors, and the balconies themselves, which are not a common feature of the area or buildings of this age and nature, together with the necessary privacy screening, would project significantly beyond the rear wall of the building, further unbalancing and diminishing the historic character and appearance of the terrace and the contribution that it makes to the CCA. Whilst lack of public visibility is not a reason to permit harmful development, these alterations would be visible from the Church and from the road, parking and flats at Clarke House.
22. I therefore conclude, the proposal would not reflect the historic character and appearance of the building and would fail to preserve or enhance the significance of the CCA. The harm caused by the development to the significance of the Conservation Area as a whole would be less than substantial.
23. Paragraph 212 of the National Planning Policy Framework (the Framework) states that when considering the effect of a proposed development on the significance of

a designated heritage asset, great weight should be given to the asset's conservation, irrespective of the level of harm. Paragraph 215 of the Framework states that where a proposal would lead to less than substantial harm to the significance of an asset, this harm should be weighed against the public benefits of the proposal, where appropriate securing its optimum viable use.

24. The appellant has not identified any specific public benefits. Whilst the proposal would retain the upper floor residential use of the building and provide one additional flat, there is no evidence before me that the upper floors were not viable as a single maisonette flat or that there is any greater need for smaller flats. Whilst the appellant is willing to remove the balcony doors and balconies, which have not yet been provided, from the development, this would leave two small flats with no private external space at all, which would alter my conclusion on living conditions for future occupiers of the flats.
25. The proposal would therefore result in harm to the CCA which is not outweighed by public benefits. Accordingly, it would conflict with policies Q5, Q8, Q11 and Q22 of the LLP, which seek to preserve or enhance the character or appearance of conservation areas and to ensure the design of development responds to local distinctiveness and positive aspects of the locality and historic character.

Cycle and car parking

26. The proposal includes secure internal long stay bicycle storage for residents, which is sufficient to accommodate three bicycles. This would accord with the minimum requirements for the scale of the proposal. I noted that there is public cycle parking available nearby, which could be utilised by visitors to the flats, and there is no policy requirement for this to be provided on site.
27. Part of the single storey flat roof rear extension, which is shown as being used to provide bin and bicycle storage, is shown hatched with no separate access being provided to it, or between this and the ground floor hot food takeaway shop. It is unclear how the hatched corner of this extension/store would be used. At the time of my visit this door was open, and it appeared to be in use by the ground floor business. Overflowing commercial bins and waste were being stored in the yard outside of this rear door and along the side of the undercroft, resulting in an untidy and cluttered appearance with potential to attract flies and vermin.
28. The plans should accurately depict how any shared spaces would be used. It is unclear from the information before me whether or not the waste and bicycle storage for the ground floor commercial use is being forced out of this space in order to meet the requirements of the additional flat being provided. The effect on the ground floor business, its waste and cycle storage and its subsequent effect on the amenity of the area is a material consideration. This is particularly the case where the evidence indicates that relocating the commercial waste outside the building would put the ground floor use in breach of a planning condition and the enforcement of such a breach, which has no right of appeal, would result in the loss of the cycle storage.
29. With regard to car parking, the proposal would increase the number of flats from one to two, which in turn has potential to increase car parking pressure for residents and visitors, in an area where car parking is heavily restricted by double yellow lines and controlled parking zones.

30. A unilateral undertaking (UU) has been submitted, which seeks to ensure that the development is car free, to prevent future occupiers from being eligible to apply for a parking permit, and to provide future occupiers of the flats with free access to car club membership and a cycle hire scheme for three years from the date of first occupation of the flats. However, the UU lacks information and does not appear to be enforceable. It is unclear whether the access to the cycle hire scheme would be provided free of charge, it does not define permit free or car free, it refers at paragraph 4.1 to being secured by a further obligation, which has not been submitted, there is no reference to the application or appeal reference numbers, there is no land registry title or title number confirming who the owners are or who has signed the UU, to confirm that the agreement can have any lawful effect.
31. It is suggested that if the UU is insufficient, a condition could be used to secure the provision of a revised agreement. However, as set out in the previous appeal decision relating to a similar development on this site, there are no exceptional circumstances to warrant this, and the onus was on the appellant to provide the appropriate documents. A revised UU could have been agreed with the Council prior to submitting the appeal.
32. I therefore conclude that although the minimum cycle parking requirements would be met, it has not been demonstrated that their provision would not compromise the storage of waste and parking of staff bicycles connected to the commercial use of the ground floor premises. Nor has it been demonstrated through the provision of an adequate legal agreement that a minimum of three years free membership of a cycle hire scheme would be secured or that the proposal would not increase parking stress and congestion in the area. Accordingly, the proposal would be contrary to policies D4, T1, and T3 of the LLP and T6 of the LP, which collectively seek to ensure that new development encourages sustainable means of transport by restricting car parking and facilitating cycling, secured by an appropriate planning obligation where necessary. Policy T7 of the LLP is not relevant, as confirmed in the previous appeal decision, as it relates to servicing.

Planning Balance and Conclusion

33. The proposal would create an additional dwelling but the benefit of this would be offset by the loss of a larger home. The new flats would have adequate internal space, but the provision of balconies to provide them with adequate private external space and privacy screens to protect the privacy of occupiers of adjacent flats, would fail to preserve or enhance the character or appearance of the CCA. The provision of internal waste storage and cycle parking areas would displace existing commercial waste storage space, in breach of a previous planning condition and to the detriment of the appearance of the site, and in the absence of an enforceable legal agreement I cannot be certain that measures to facilitate sustainable transport measures would be appropriately secured.
34. For the reasons given, I conclude that the proposed development conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

R Bartlett

INSPECTOR