



Appeal Decision

Site visit made on 29 September 2025

by F P Tinsley MA (Hons) MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2025

Appeal Ref: APP/N5660/W/25/3368948

36 Gleneagle Road, London, SW16 6AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Emma Wilson against the decision of the Council of the London Borough of Lambeth.
 - The application reference is Ref: 25/00897/FUL
 - The development proposed is 'Re-submission of approved planning application 15/06670/FUL for the conversion of existing basement into self-contained 1 bedroom flat which has now lapsed.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There was a previous appeal¹ on the current appeal site (the previous proposal) which was allowed in 2016. This permission expired in 2019. This related to a development similar to that originally proposed in the application subject to this appeal.
3. The appellant submitted revised plans (Drawing No 110 Rev P03) with the appeal documentation. This detailed a change in the scheme to that originally proposed from a two person – one bedroom basement flat to a one-person (studio type) basement flat. It was also proposed to lower the floor level by 200mm to provide a floor to ceiling height of 2.5 metres. While an appeal should not be used to amend a scheme, I am satisfied that the differences are not substantial and essentially relate to internal space standards only. I have accepted the revised drawings and considered the appeal in the context of the revised proposals. The Council have addressed the amended scheme in their Appeal Statement. On this basis, I am satisfied that my acceptance of the amended plans would not prejudice any parties.
4. The appellant has identified that the London Borough of Lambeth failed the 2023 Housing Delivery Test delivering 74% rather than the required 75%. The Council have not challenged this assertion. For this reason, the proposal is subject to the presumption in favour of sustainable development as detailed at paragraph 11(d) of the National Planning Policy Framework 2024 (the Framework).

¹ APP/N5660/W/N5660/W/16/3150987

Main Issues

5. The main issues are:

- Whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to internal daylighting, internal floor area, floor to ceiling heights, outlook and private outdoor space.
- The effect of the proposed development on highway safety relating to car parking provision.

Reasons

Living Conditions

6. The proposal includes a 200mm reduction in the floor level of the proposed dwelling compared to the previous scheme, in order to comply with the minimum floor-to-ceiling height requirements set out in Policy D6 of the London Plan (2021). The depth of the lightwells and the position of the windows remain unchanged from the earlier proposal. However, the appellant has not updated the Light Report submitted with the previous scheme to reflect these changes, nor considered any potential impact on light availability due to factors such as increased vegetation along the property boundary. While I acknowledge that the conclusions of the previous light assessment are not entirely obsolete, it does not evaluate the current proposal under appeal. Furthermore, it fails to take into account the updated BRE guidance referenced by the Council.
7. Given that the additional depth of the floor level may have specific implications for compliance with the revised standards, particularly regarding access to daylight, it is essential that a new assessment be undertaken. In the absence of this updated evidence, I am unable to conclude that access to daylight is acceptable in the context of the revised scheme. I attach significant weight to this issue in my consideration.
8. The proposal before me is for a 40.5 sq.m one-person (studio-type) basement flat. This revised scheme complies with the Nationally Described Space Standards (NDSS), which require a minimum of 39 sq.m for a dwelling of this type. The proposal meets a prescribed standard that would otherwise render it unacceptable. I attach neutral weight to this issue in my consideration.
9. The proposed finished floor level results in the outside ground level being approximately 1700mm above the floor level of the dwelling. A significant portion of the main living area window would face directly onto the lightwell wall, which is situated less than one metre from the window. This arrangement would result in a poor-quality and oppressive outlook, materially different from that of the previous proposal due to the change in finished floor level. I attach moderate weight to this issue in my consideration.
10. The proposed dwelling is single aspect, and no justification or exceptional circumstances have been provided beyond identifying site constraints. I do not consider the side window in the bay to constitute dual aspect. Additionally, there is no direct access to the amenity space which would require the occupier to leave the dwelling by the main entrance and traverse the side and front of the building, passing in front of the main access to the flat above. I attach significant weight to this harm in my consideration.

11. The proposal includes private outdoor amenity space for the new dwelling is located in the garden area in front of what appears the main living room window of the flat above. Given the characteristics of the dwelling and its limited access to natural light, I attach considerable importance to this space being usable for future occupants. However, I have concerns about the suitability of this area to function effectively as outdoor amenity space. In particular, I am concerned about the level of privacy achievable, both for users of the amenity space, which will be directly overlooked from the ground floor flat's main window, and for occupants of the ground floor flat, who will have a direct line of sight into their flat from the amenity space. Boundary treatments such as fencing will not resolve this concern and may further reduce light penetration into the new dwelling. I attach significant weight to this issue in my consideration.
12. I have considered the Inspector's conclusions regarding the previous proposal, which found the arrangement acceptable for non-family occupation of the basement flat. However, I conclude that, primarily due to changes in the current proposal, the importance of this space has increased. In its current form, it does not provide the required level of privacy for the reasons outlined above. I also note that this decision was made in the context of earlier versions of both the London Plan and the Lambeth Local Plan, and newer versions of these documents have since been adopted.
13. For these reasons, I conclude that the proposed development conflicts with Policy D6 of the London Plan (2021), and Policies H5, Q2, and Q27 of the Lambeth Local Plan (2021).

Highway Safety and Car Parking Provision

14. The appeal site is located in a highly accessible area, with strong links to the public transport network (PTAL 6a). The appeal development does not include any dedicated car parking provision for the proposed flat. This could create pressure for parking on street associated with the proposal.
15. In such circumstances, Policy T6 of the London Plan (2021) requires that parking be restricted, and that car-free development should be the starting point for all proposals in locations that are, or are planned to be, well-connected by public transport. The Council has stated that a legal agreement is necessary to secure this requirement. However, no legal agreement addressing this matter was submitted with the planning application or at the appeal stage.
16. I have considered whether the proposed planning condition would be an appropriate mechanism to secure the car-free nature of the development. The condition proposed requires written agreement with the local planning authority that, with the exception of disabled persons, no resident of the dwelling shall obtain a resident's parking permit within any controlled parking zone in the area.
17. The Planning Practice Guidance (PPG) advises that, in exceptional circumstances, a negatively worded condition requiring an agreement to be entered into before development can commence may be appropriate. However, I have not been provided with any evidence indicating that exceptional circumstances exist in relation to the proposals before me that would justify the imposition of such a condition.

18. In this context, I am unable to establish with certainty that parking permits would not be available in connection with the proposed use, which does not provide dedicated on-site parking.
19. I therefore conclude that the appeal development would result in unacceptable parking stress or congestion in the local area and would be harmful to highway safety. Accordingly, I find that the proposal does not comply with the relevant parts of London Plan Policies T3, T4, and T6, and Lambeth Local Plan (2021) Policies T1, T3, and T6, which collectively seek to ensure that development does not cause unacceptable effects on parking stress, congestion, and highway safety, and that parking is restricted in well-connected areas. I attach moderate weight to this issue in my consideration.

Other Considerations

20. The proposed development would result in the creation of an additional dwelling in a location with a very high level of transport accessibility. This aligns with Local Plan Policies H1, H2, and H10, which seek to maximise housing growth, including on small sites, while promoting higher development density in appropriate locations. I also note that a previous appeal on this site was allowed, albeit for a different proposal involving a different finished floor level. That decision was made under a different planning policy context.
21. I attach significant weight to the contribution of an additional dwelling in the borough, particularly in the context of the borough's performance against the Housing Delivery Test. However, I acknowledge that a single dwelling will make only a limited contribution to addressing the overall housing shortfall.
22. The proposal would retain existing boundary treatments, including hedgerows at the front of the dwelling. Measures could also be implemented to mitigate construction-related impacts. I have not identified any potential harm associated with ventilation or noise impacts.

Planning Balance

23. The Council cannot demonstrate a five-year supply of deliverable housing sites, and the shortfall is described as "substantial." Consequently, in accordance with footnote 7 of the National Planning Policy Framework (the Framework), paragraph 11(d)(ii) should be applied. This means that planning 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. The site is not located within a protected area.
24. The proposal would deliver a single dwelling in a location with a high level of public transport accessibility. As outlined above, the benefits associated with a single dwelling are limited, even when taking into account the Framework's objective of significantly boosting the supply of housing and the Council's current housing land supply position. Additionally, the economic support provided by one extra household would be negligible.
25. While the Framework supports the delivery of new homes, it also emphasises that these must be well-designed, with accessible services and open spaces that meet both current and future needs. The proposal does not meet this objective, as the

living conditions provided for future occupants conflict with development plan policies, as previously described. I attach significant weight to this consideration.

26. Consequently, I find that the adverse impacts on living conditions would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Final Balance and Conclusion

27. While the proposal would deliver a single dwelling, it would fail to provide acceptable living conditions for future occupiers. Additionally, no mechanism is in place to secure car-free development in this location, despite its high level of public transport accessibility.
28. The proposal would therefore conflict with the development plan when considered as a whole, and there are no other material considerations, including the provisions of the National Planning Policy Framework, that outweigh this finding. Accordingly, for the reasons given above, the appeal should not succeed.

F P Tinsley

INSPECTOR