



Appeal Decision

Site visit made on 30 September 2025

by **F P Tinsley MA (Hons) MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 January 2026

Appeal Ref: APP/N5660/W/25/3369683

12 Claylands Road, Lambeth, London, SW8 1NZ

- 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 Hannah Durning-Capella and Harry Low against the decision of the Council of the London Borough of Lambeth.
 - The application reference is Ref: 25/01309/FUL
 - The development proposed is 'Full Planning Permission for the amalgamation of two existing residential flats to form one family dwellinghouse, including new and replacement windows and doors and reduction of an existing chimney stack.'
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Decision

1. The appeal is allowed and planning permission is granted for the amalgamation of two existing residential flats to form one family dwellinghouse, including new and replacement windows and doors and reduction of an existing chimney stack at 12 Claylands Road, Lambeth, London, SW8 1NZ in accordance with the terms of the application, Ref 25/01309/FUL, subject to the conditions detailed in the attached schedule.

Applications for costs

2. An application for costs has been made by Hannah Durning-Capella and Harry Low against the Council of the London Borough of Lambeth. This is the subject of a separate decision.

Preliminary Matters

3. There is agreement between both main parties that there are no objections to the external operations proposed.
4. Both main parties to this appeal make reference to three previous appeals and a High Court Case in their submissions. These are the '60 Claylands Road appeal¹', the '71 Haverhill Road appeal²' and the '93 Albert Embankment appeal³' which was subject to a High Court Judgement⁴. These cases are referred to as such below.
5. As part of its appeal documentation, the Council provided a draft copy of the Lambeth Housing Development Pipeline Report 2023/24, which was published

¹ APP/N5660/W/23/3334270

² APP/N5660/W/24/3338431

³ APP/N5660/X/22/3302513

⁴ AC-2023-LON-003350

during the appeal determination period. The Council confirmed that there were no substantive changes between the draft and published versions that would affect the information relevant to the appeal.

Main Issue

6. The main issue is the effect of the proposal on the supply of housing in the London Borough of Lambeth.

Reasons

Policy Context

7. The appeal site comprises a two-storey terraced property containing two self-contained flats: a one-bedroom flat at ground floor and a two-bedroom flat at first floor, created through the subdivision of an original three-bedroom house. The proposal seeks to amalgamate the ground and first-floor flats into a single three-bedroom dwelling, effectively restoring the building to its original form prior to subdivision. The development would result in the net loss of one residential unit.
8. Policy H3 of the Lambeth Local Plan 2020–2035 (2021) (the Local Plan) states that existing self-contained C3 housing will be safeguarded in accordance with London Plan policy. Moreover, it makes no reference to amalgamations.
9. Policy H1 of the London Plan 2021 aims to increase housing supply by setting 10-year net housing competition targets that each local planning authority should plan for. In the case of Lambeth, the 10-year target to 2028/29 was 13,350 net housing completions. The policy goes on to list sources of capacity to achieve this but does not specifically include resisting amalgamations of existing flats or houses into larger homes, although the Council argues that this is one means of preventing the loss of housing and supporting delivery on small sites.
10. Paragraph 4.1.9 of the supporting text to London Plan Policy H1 states that the ten-year housing targets should be monitored in net terms, taking into account homes lost through demolition, amalgamations or change of use. In my view, this sets out the approach to monitoring delivery of the targets. Given that the targets are expressed as net housing completions, any loss of existing units would be part of that monitoring process. Indeed, the policy overall is one that focusses on increasing the supply of housing rather than resisting its loss.
11. Policy H2 of the London Plan seeks to significantly increase the contribution of small sites (less than 0.25ha) to meeting London's housing need. This is one of the sources of capacity identified in Policy H1. The policy itself does not refer to amalgamations. The supporting text does identify amalgamations as something Councils could resist if it is leading to a sustained loss of homes and is not meeting the identified requirements of large families.
12. Policy H10 of the London Plan specifically refers to the need for additional family housing which will be provided by the proposal.
13. Policy H8 of the London Plan addresses the loss of existing housing and estate redevelopment. The relevant part of Policy H8 in the context of this proposal is Part A, which states that the loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace. The policy does not set out how density is to be calculated.

14. The building will remain in residential use. The number of bedrooms and their individual scale and configuration within the building is not reduced or materially altered, and the overall residential floorspace provided is not diminished. In my judgement, the proposal will not therefore result in a perceptible loss of residential density. I am aware that Policy D3 of the London Plan sets out four suggested measures for calculating density but Policy H8 does not direct me to this policy. Putting to one side the difficulty in using those metrics for such a small site, I am also mindful that if Policies H1 and H2 do not resist amalgamations, it would be inconsistent to conclude that Policies H8 and/or D3 are intended to have that effect.
15. The Local Plan safeguards housing in accordance with the London Plan. None of the relevant London Plan policies specifically seek to restrict amalgamations. As such this does not provide a strong basis on which to reject the proposal. My conclusion on the policy context is consistent with the High Court Judgement in respect of the 93 Albert Embankment Appeal. Nonetheless, each case must be determined on its own merits and it is self-evident that the more residential units that are lost, the greater the number of new units that will be required to ensure that the ten-year target for net housing completions is met. As the Council's housing figures have worsened since the appeal decisions previously referenced, it is appropriate that I have regard to the housing supply situation in the borough and examine the extent to which amalgamations are important within this wider context.

Housing Supply

16. The 2023 Housing Delivery Test (HDT), published on 12 December 2024, confirms that the Council fell below the 75% threshold by 45 homes across the three-year period (2020–2023). This is in addition to the failure to demonstrate a five-year housing land supply. This Council is now subject to measures requiring the preparation of an Action Plan to accelerate housing delivery, plan for additional housing, and apply a strengthened presumption in favour of sustainable development when assessing and determining planning applications. The overall aim of these measures is to increase housing delivery in the borough, and the Council argues that this presumption implies the planning balance should weigh strongly against the loss of any housing units, as proposed in this case.
17. The main parties' analysis on the number of amalgamations has focussed on differing time periods and produced differing figures. However, the Council has considered the matter over a longer period of 15 years. This produces an average annual loss of 13 homes due to amalgamations. This is broadly consistent with the more recent period of 2020–2023, when 37 dwellings were lost to amalgamations. I am mindful that this is slightly less than the 14 amalgamations per annum quoted in the appeal decisions I referenced earlier in my decision.
18. However, even taking the Council's average of 13 homes per year, this equates to just 0.9% of the Council's annual housing target of 1,335 net completions and 3.2% of its annual requirement of 400 net housing completions on small sites. While a proportion of the housing stock is being lost each year through amalgamations, the number of units lost annually is small, and not significant when compared to the overall requirement. Furthermore, there is no evidence of an increasing trend in the number of amalgamations.

19. I have been presented with what was at the time the unpublished Lambeth Housing Pipeline Report 2023/24 (the Pipeline Report). Despite some periods of under-delivery it shows improved delivery moving forward, with 662 net additional dwellings completed in 2023/24. While this remains below the annual London Plan target of 1,335 homes, there is a substantial development pipeline comprising 10,290 gross residential units, of which 5,971 are under construction or partially implemented, and 4,319 are yet to be implemented. The trajectory is upwards, with Lambeth expected to exceed the London Plan annualised target in 2027/28 and 2028/29.
20. With the delivery trend expected to improve, the recent significant shortfall in housing delivery appears to be temporary rather than sustained. This may be a reflection of the disruption from the pandemic as noted in the appeal decision for 93 Albert Embankment. Furthermore, based on the submitted evidence, the loss of dwellings from amalgamations is not meaningfully impacting the Council's ability to meet its housing targets as defined in the Local Plan . Consequently, the supply/delivery situation is not a factor which weighs heavily against the proposal.
21. This conclusion is consistent with that of the Inspector in the '60 Claylands Road' appeal.
22. As the Council is now falling below the 75% threshold in the HDT it does place additional impetus on them to deliver additional housing. However, I have not been presented with evidence that it specifically prevents the loss of existing housing or necessarily requires a resistance to amalgamations. I have also not been directed to any local, London-wide, or national planning policy or other provision which states that it does.
23. Furthermore, contrary to the Council's submissions at paragraph 7.22 of their Statement of Case, paragraph 79 of the National Planning Policy Framework (the Framework) does not explicitly require protection of existing housing units. Therefore, whilst I have had regard to the housing supply situation, the Council falling below the 75% threshold in the HDT is not a factor which attracts additional weight in my decision.
24. I acknowledge that the number of amalgamations in the borough was similar to the difference between the Council meeting and not meeting its HDT. However, that is not an indication in itself that the number of amalgamations is significant, given that they make up only one small part of an overall figure and different elements will have no doubted equally or more significantly contributed to the overall HDT shortfall.
25. I consider that proposals of this nature are characteristic of an evolving property market where demand for different types and configurations of dwellings changes over time. The policy context within which this happens does not explicitly prevent amalgamation and given the evidence presented to me in this appeal, there are not sufficiently strong reasons to prevent it happening in this case.
26. Furthermore, as I have determined above, the proposal will reinstate a family home, for which there is demand in the borough as set out in Policy H10 of the London Plan. An amalgamation in this context is consistent with the guidance set out in the supporting text to London Policy H2. there is significant demand in the borough and to which I attach significant weight.

27. For the reasons given, I conclude that the proposal would not have a harmful effect on the supply of housing in Lambeth. It would therefore not conflict with the requirements of Policy H8 of the London Plan and Policy H3 of the Local Plan, as summarised above. The reason for refusal also states that the proposal would be contrary to the provisions of the National Planning Policy Framework, although no specific section is mentioned. Nonetheless, for the same reasons given above, I find no conflict with the Framework's objectives of significantly boosting the supply of homes or securing a mix of housing to meet identified need.

Other Matters

28. I have had regard to submissions relating to both the existing and proposed dwellings' compliance with the space standards set out in the Nationally Described Space Standards (NDSS). While the small bedroom at first-floor level falls marginally below the NDSS requirement for a single bedroom, given that this room serves as a bedroom in the existing first-floor flat, and that the development effectively restores the building to its original form prior to subdivision and that the property originally provided a three-bedroom family home, I am satisfied to treat it as a bedroom and to consider the property as delivering a three-bedroom family dwelling.
29. The Council has indicated that it considers the physical alternations to the building to be acceptable. The appeal site lies within the St Mark's Conservation Area (CA). The significance of the CA is partly derived from the rows of terraced housing with a regular rhythm of building lines and fenestration, which creates a uniformity in the built form. There is a variety of rear additions within the terrace in which the property sits. The replacement windows to the rear would be uPVC or aluminium replacing the same and alterations would be minimal. The alterations to the chimney stack are also minimal. There are no proposed changes to the front elevation. A residential use would be maintained. I am satisfied that the proposal would preserve the character and appearance of the CA and thus the significance of the heritage asset.

Conditions

30. As well as the standard time condition, in the interests of certainty, a condition is required to ensure that the development is carried out in accordance with the approved plans. A construction materials condition is necessary in the interests of the character and appearance of the area.

Conclusion

31. The proposal would accord with the development plan as a whole, and there are no material considerations of sufficient weight to indicate that the decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

F P Tinsley

INSPECTOR

Schedule of Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice.
2. The development hereby permitted shall be carried out in accordance with the approved drawings and documents: 055/PL101 Rev -; 055/PL102 Rev-; 055/PL200 Rev-; 055/PL210 Rev-; 055/PL220 Rev-; 055/PL300 Rev-; 055/PL310 Rev-; 055/PL320 Rev-; 055/PL400 Rev-; 055/PL410 Rev-; OS Map.
3. All new external work and finishes and work of making good shall match the existing adjacent original work in respect of the materials, colour, texture, profile, and finished appearance, except where indicated otherwise on the drawings hereby approved.

End of Schedule