Section 1 – Site Location Map

LAMBETH PLANNING APPLICATIONS COMMITTEE

<table>
<thead>
<tr>
<th>Case Number</th>
<th>10/02660/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Address</td>
<td>4 Pinfold Road London</td>
</tr>
</tbody>
</table>

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L.B. Lambeth LA 100019338 2006
Section 2 – Application Summary

Location 4 Pinfold Road London SW16 2SN

Ward Streatham Wells

Proposal Application
Conversion of property to provide 3 x self-contained flats involving the removal of part of the ground floor rear projection creating a courtyard, the removal of a front dormer window, rear landscaping works and the provision of refuse storage and 3 x cycle parking spaces to the front of the site (part retrospective).

Applicant Haywood Investments Ltd (in Administration)

Agent Mr Charles Rose: Iceni Projects Ltd
20 Hanover Square London W1J 1JY

Date valid 11 August 2010

Case Officer Mr Andrew Byrne

Application Reference 10/02660/FUL

Recommendation(s) Refuse Permission

Constraints Within 100m of Trunk Road
Pinfold Road is designated a road under conversion stress in the Core Strategy

Advert Publication Date 20th August 2010

Site Notice posted on
Submitted drawings
20th August 2010
Site Location Plan IPCR201033/1
Layout 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14

Submitted Documents Design & Access Statement
Daylight Assessment
Parking Survey
1 Summary of Main Issues

1.1 The main issues arising from this planning application are:-
(i) The acceptability of the principle of conversion of the property into self-contained flats;
(ii) Impact of the proposed development on the amenity of neighbouring occupiers;
(iii) The standard of proposed residential accommodation;
   a. The acceptability of the external alterations on the appearance of the building.
(iv) Transportation and highways implications of the proposed development;

2 Description of Site, Surroundings and Planning Designations

Site
2.1 The application site comprises a purpose built, semi-detached residential property. The existing property comprises a basement, ground, first and second floor levels with a third floor within a side and rear extension of the roofspace. The property has a single storey and a two storey rear addition.

2.2 The property has a north facing rear garden approximately 8.5 metres long x 7.5 metres wide and a front garden 3.8 metres deep x 7.5 metres wide. These are linked by a side accessway along the eastern side of the property approximately 0.9 metres wide. There is a lightwell in this accessway which serves two basement windows.

2.3 The property is laid out as 5 self-contained flats following its conversion and use without planning permission. The lawful use of the property is as a six bedroom single dwellinghouse. Previous unauthorised works, for conversion of the property into five self-contained flats, have been removed.

Surroundings
2.4 The property is located within a predominantly residential area near the eastern side of Streatham Major Town Centre. This centre provides a variety of services and facilities including shopping and bus services.

Planning Designations
2.5 Pinfold Road is a non-classified residential access road, with fairly intensive on street kerbside car parking. The property is located approximately 40 metres to the east of Streatham High Road (which is a Trunk Road, classified A23) and Streatham Major Centre.

2.6 The application site is not within a conservation area but is approximately 7.5 metres to the east of the ‘edge of Streatham Major Town Centre’ and boundary of the Streatham High Road & Streatham Hill Conservation Area.

2.7 The building is not listed nor is it within the setting of a listed building.
2.8 As part of the Core Strategy Pinfold Road has been included in the list of ‘Streets Under Conversion Stress’ where all family sized houses are to be protected from conversion into flats.

3 Details of Current Proposal

3.1 The application is for full planning permission for conversion and use of a single dwellinghouse (the existing five flats being unauthorised) to provide three self-contained flats. The proposed accommodation would be arranged as follows:-

Flat A: 1 x 2 bed unit (Ground and Basement) with a living/dining/kitchen, 2 double bedrooms and bathroom at ground level and a utility room in the basement.

Flat B: 1 x 2 bed unit (First floor) with living/kitchen/dining room and 2 x double bedrooms and bathroom.

Flat C: 1 x 2 bed maisonette (Second and third floor/loft level) with living/dining/kitchen, two double bedrooms and bathroom

External alterations
(i) Removal of window in front elevation of roof extension
(ii) Removal of part of single storey rear/side addition with installation of bathroom window in side elevation.
(iii) Retention of lightwell and two basement level windows in side elevation
(iv) Provisions for storage of three refuse storage bins along the inside of the front boundary.
(v) Installation of three Sheffield galvanised steel cycle stands mounted on the eastern side boundary of the front garden.

4 Relevant Planning History

4.1 On 23rd December 2005 – a Certificate of Lawful Development (Existing) was issued for a loft conversion with side and rear roof extension and ground floor rear extension with associated alterations (Ref:-05/03282/LDCE)

4.2 On the 24th March 2006 planning permission was refused for:-

‘Conversion of the existing single dwellinghouse to provide 5 self-contained flats including the formation of lightwells to basement flat, along with associated alterations’ at 4 Pinfold Road (Ref: 05/03932/FUL).

The reasons for refusal were:-

1 The proposed conversion of the dwelling house to provide five self-contained flats, would result in the over-intensive conversion of the building, and furthermore fails to include a family dwelling of 3(+) bedrooms with direct access to the rear garden at ground floor level. As such, the proposal is contrary to policies H10 and H17 of the adopted Unitary Development Plan and to Policy 17 of the Revised Deposit Unitary Development Plan.

2 The proposed main bedroom at basement level associated with Flat A would not benefit from satisfactory light penetration, and would as a result provide substandard accommodation to the detriment of the amenities of future occupiers. As such, the proposal is contrary to policy H10 of the adopted Unitary Development Plan, to Policy 17 of the Revised Deposit Unitary Development Plan.
4.3 On 23rd June 2006 planning permission was refused for:

‘Conversion of the existing single dwelling house to provide 5 self-contained flats including the formation of lightwell to basement flat and the replacement of existing door with a window, along with associated alterations (retrospective).’ (Ref: 06/01396/FUL).

The reasons for refusal were:

1  The proposed conversion of the dwelling house to provide five self-contained flats, would result in the over-intensive conversion of the building by virtue of the excessive number of one bed units and layout. As such, the proposal is contrary to Policies H10 and H17 of the adopted Unitary Development Plan (1998) and to Policy 17 of the Revised Deposit Unitary Development Plan (2004).
2  The proposed main bedroom at basement level associated with Flat B would not benefit from satisfactory light penetration, and would as a result provide substandard accommodation to the detriment of the amenities of future occupiers. As such, the proposal is contrary to Policy H10 of the adopted Unitary Development Plan (1998), to Policy 17 of the Revised Deposit Unitary Development Plan (2004).

4.4 In addition it was recommended to take: - Enforcement Action against unauthorised material change of use’

4.5 On 15th September 2006, following the two refusals of planning permissions, referred to in paragraphs 4.2 and 4.3 an Enforcement Notice was served to take effect on 20th October 2006. This requires discontinuance of use of the property as five self-contained flats and removal of unauthorised development. (Refs APP/N5660/C/06/2026181 & 05/00543/3DEV).

4.6 On the 27th June 2007 Appeals against the two refusals of planning permission and the subsequent Enforcement Notice were dismissed and the enforcement notice upheld. The Inspectors reasons for dismissing the appeal focussed on the ground floor/basement, where two self-contained flats had been formed comprising 1 x 1 bedroom and 1 x 2 bedroom unit. The grounds for dismissing the appeal were on the grounds of layout, lack of outlook, natural light and preponderance of 1-bedroom units. The Inspectors Appeal Decision is appended to this report in Appendix 1.

4.7 The proposed accommodation on the upper floors previously proposed was found by the Inspector to be acceptable. With reference to this the Inspector’s report states reports that :-

11.  It appears to me that the 2-bedroom flat on the first floor, and the one-bedroom flat on the second floor both provide living accommodation to a good standard. The areas of bedrooms and living/dining/kitchens accord with the Council’s standards set out in Supplementary Planning Guidance. Rooms in these flats generally have good natural lighting and good outlook; the living rooms are south facing and can receive sunlight for a good proportion of the day. Although bath/shower rooms are somewhat cramped, they can clearly function properly.
12.  The main room of the studio flat [This was on the third floor and is now to be combined with second floor to provide a two bedroom maisonette] has windows of decent size on the north and east elevations as well as roof-windows in the areas of sloping ceiling. In my opinion this achieves a good
standard of natural lighting. About 20 square metres of the total room area of about 33.5 square metres has a ceiling above a height of 2.3 metres, with the remainder being sloping. The Council’s SPG standard for the living space in flats of this type is that it should be at least 29.8 square metres. Furthermore, for rooms with sloping ceilings, at least 50% of the floor area should have a ceiling height of at least 2.3 metres. In those terms the studio flat complies with the Council’s standard. Furthermore, the area of the room in which the ceilings slope effectively forms an alcove for the bed, which appears a practical and convenient arrangement, making good use of the area with lower ceilings.

4.8 The differences between the Appealed proposals described above and the present proposals are:

(i) The previously appealed scheme proposed retention of conversion to 5 self-contained flats. The present scheme proposes conversion to 3 self-contained flats.

(ii) The Appealed scheme proposals included retention of the ground floor/basement as two self-contained flats, with the rear flat having one of the three bedrooms in the basement. In the present proposal the ground floor/basement is proposed as one two bedroom flat with a utility room in the basement.

(iii) The Appealed scheme proposed use of the second floor as a one bedroom flat and use of the third floor loft area as a studio unit. The present proposal combines the second and third floors to form a two bedroom maisonette

(iv) The front refuse bin stores and cycle parking storage have been reduced to accommodate 3 bins and 3 cycles.

5 Consultations

5.1 Letters were sent to the following addresses: No’s 1 to 11 (odd) and 2 to 12 (even) Pinfold Road and No’s 2, to 14 Pendennis Road, 63 to 71 (odd) Streatham High Road

5.2 The Streatham Society and Streatham Society was notified in writing of the proposed development. No responses have been received to date.

5.3 A press advert and a site notice were displayed 20th August 2010

5.4 Internal consultations comprise;

Transport and Highways - Response - No objections subject to details of cycle and refuse storage.


Streetcare - No Response received to date

5.5 Responses

<table>
<thead>
<tr>
<th>No. letters sent</th>
<th>No. of Objections</th>
</tr>
</thead>
<tbody>
<tr>
<td>80</td>
<td>1</td>
</tr>
</tbody>
</table>
5.6 **Assessment**

<table>
<thead>
<tr>
<th>Material planning objection</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The proposal has been submitted when it has not complied with Enforcement which requires putting the house back from five flats to its original single dwelling-house use.</td>
<td>1 Works required by the Enforcement Notice have been carried out.</td>
</tr>
<tr>
<td>2. The enormous roof extension has a detrimental impact on the appearance of the building and the street scene.</td>
<td>2 The roof extension was erected as permitted development and is not part of the present application except that it is proposed to remove a window in the front elevation of this roof extension.</td>
</tr>
<tr>
<td>3 Whilst 3 flats is better than 5 it is a shame house needs to be converted at all. We should be trying to keep some of the houses as family residences.</td>
<td>3 The proposed dwelling mix comprises three family sized units. However the proposal would result in the unacceptable loss of a family sized house within an area of conversion stress, contrary to Core Strategy Policy S2(e)</td>
</tr>
<tr>
<td>4 Added volume of cars trying to park will cause more parking stress.</td>
<td>4 The Council’s Transport Officer raises no objections</td>
</tr>
</tbody>
</table>

5.7 Local Ward Councillor Alex Davies, has requested that in light of residents interest the application be referred to the Planning Applications Committee for determination irrespective of the recommendation.

6 **Planning Considerations**

6.1 **Relevant policies**

6.1.1 **National Policies and Guidance**

Central Government advice is contained in a range of Government Circulars, Planning Policy Guidance (PPGs) and Planning Policy Statements (PPS). These are essentially general policies which aim to guide the local planning authority to securing good policies and the need to provide high quality, well thought out developments which make a positive contribution to the locality and which help to protect or enhance the environment.

**Planning Policy Statement 1 (PPS1) – Delivering Sustainable Development**

Attempts to ensure that development and growth are sustainable. The guidance outlines the positive role for the planning system in guiding appropriate development to the right place. Local authorities should operate on the basis that applications for development should be allowed having regard to the Development Plan and all material considerations, unless the proposed development would cause demonstrable harm to the interests of acknowledged importance.

**Planning Policy Statement 3 (PPS3) - Housing**

States that the planning system should deliver high quality well designed housing, a mix of housing tenure and price, sufficient quantity of housing and improvement of choice, housing in suitable locations with good access to jobs,
services facilities and infrastructure, make efficient and effective use of land.
Planning Policy Statement 5 (PPS 5) 'Planning for the Historic Environment' sets out the Government's planning policies on the conservation of the historic environment. The Government’s overarching aim is that the historic environment and its heritage assets should be conserved.

Planning Policy Statement 10 (PPS 10) - Planning for Sustainable Waste Management states overall objective of Government policy on waste, as set out in the strategy for sustainable development, is to protect human health and the environment by producing less waste and by using it as a resource wherever possible. Through more sustainable waste management, moving the management of waste up the ‘waste hierarchy’ of reduction, reuse, recycling and composting, using waste as a source of energy.

Planning Policy Guidance 13 - Transport: encourages alternative means of travel, which would have less environmental impact. One of the main objectives is to reduce the number in car movements and usage.

Planning Policy Guidance 24 (PPG 24) Planning and Noise guides local authorities in England on the use of their planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise.

6.1.2 The London Plan

London Plan Consolidated with Alterations since 2004 (February 2008) provides strategic planning guidance for development and use of land and buildings within the London region. All Borough plan policies are required to be in general conformity with the London Plan policies. The following policies of the London Plan are relevant:

2A.1 Sustainability criteria
3A. 1 Increasing London's supply of housing
3A. 2 Borough housing targets
3A.3 Maximising the potential of sites
3A.5 Housing choice
3A.6 Quality of new housing provision
4A.1 Tackling climate change
4A.2 Mitigating climate change
4A.3 Sustainable design and construction
4B.1 Design principles for a compact city
4B.8 Respect local context and communities
4B.12 Heritage conservation

6.1.3 Unitary Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan in Lambeth is the London Plan (‘consolidated with Alterations since 2004’ published in February 2008), the Lambeth Core Strategy (adopted 19 January 2011) and the remaining saved policies in the 'Lambeth Unitary Development
Plan (UDP) 2007: Policies saved beyond 5 August 2010 and not superseded by the LDF Core Strategy January 2011’. Material considerations include national planning policy statements and planning policy guidance. The following (UDP) 2007: Policies saved beyond 5 August 2010 and not superseded by the LDF Core Strategy January 2011’, were relevant;

Policy 7 Protection of Residential Amenity
Policy 9: Transport Impact
Policy 14: Parking and Traffic Restraint
Policy 15: Additional Housing
Policy 17: Flat Conversions
Policy 32: Community Safety/Designing out Crime
Policy 33: Building Scale and Design
Policy 35: Sustainable Design and Construction
Policy 36: Alterations and Extensions
Policy 38: Design in Existing Residential / Mixed Use Areas
Policy 39: Streetscape, Landscape and Public Realm Design
Policy 47: Conservation Areas

6.1.4 Core Strategy – Strategic Policies
Policy S1 Delivering the Vision and Objectives
Policy S2 Housing
Policy S4 Transport
Policy S6 Flood Risk
Policy S7 Sustainable Design and Construction
Policy S8 Sustainable Waste Management
Policy S9 Quality Of the Built Environment

6.1.5 The following Supplementary Planning Documents (SPD) are considered relevant to this application:-

- Housing Developments and House Conversions (July 2008)
- Residential Alterations and Extensions (July 2008)
- Sustainable Design and Construction (July 2008)

6.2 Land Use Considerations
6.2.1 Core Strategy Policy S2 seeks additional housing to meet the needs in the borough’s housing needs, and addresses the sub division of existing houses into flats.

6.2.2 Planning permission is sought for the conversion of a family sized dwelling house of 6 bedrooms and its use as 3 family size units each one 2 bedroom self-contained flat.

6.2.3 The original dwelling house was arranged over three storeys with an original internal floorspace of approximately 234m², which is above the threshold for conversion houses of 150m² set out in Policy S2 of the Lambeth LDF Core Strategy.

6.2.4 The present planning application was received on 3rd August 2010, when, in accordance with the Enforcement Notice, previous unauthorised conversion works had been removed and the property occupied by a single dwelling.
6.2.5 The Councils Core Strategy was published in draft in April 2009 and was adopted on 19th January 2011. Housing Policy S2 (e) states that the Council will meet the boroughs housing needs by 2025 by, amongst other things, Protecting all family sized houses from conversion into flats in parts of the borough under conversion stress. This is to ensure mixed and balanced communities with a choice of family housing.

6.2.6 Pinfold Road is shown in the ‘Core Strategy Changes to the Proposals Map Adopted January 2011’ as being includes Pinfold Road in ‘Table 7 Policy S2 (e), -Streets within the borough under conversion stress’. This document was presented to Committee and the Council’s Cabinet in September/October 2010, and was formally published in November 2010.

6.2.7 A recent external inspection of Pinfold Road recorded 38 residential properties that were originally purpose built single family houses. Of these 23 (60%) have been converted by subdivision into residential flats and 12 (32%) appear to remain as single dwellinghouses. In addition 3 houses (8%) provide care home accommodation.

6.2.8 In light of the above it is considered that in this instance the proposed conversion would result in the unacceptable loss of a family size house, by reason of its conversion into flats within an area of conversion stress, contrary to Policy S2(e) of Lambeth LDF Core Strategy. Refusal of planning permission is therefore recommended.

6.3 Amenity Impact and Living Conditions

Impact on amenity of neighbouring properties

6.3.1 It is Council policy that development should acceptably relate to neighbouring properties and not have a detrimental impact upon neighbouring residential and local amenities in terms of privacy, natural light, overlooking, outlook, noise and disturbance and sense of enclosure. (ref Policies 33, and 38 of the UDP and Planning Policy Guidance 24 (PPG24) Planning and Noise.

6.3.2 Impact on privacy:- Policy 33 and 38 UDP (2007) provides that development should protect the residential amenity of existing and future residents by having an acceptable standard of privacy and not create unacceptable overlooking. In this instance.

6.3.3 It is considered that the proposed new window in the ground floor side elevation and the lightwell serving two basement level windows would not result in unacceptable overlooking or loss of privacy. The window at ground floor level replaces a larger window which is nearer the side boundary and would be to a bathroom which could be obscured glazed.

6.3.4 Impact on natural light, sense of enclosure and outlook:- Policy 33 of UDP (2007) provides that development should protect the residential amenity of existing and future residents by having acceptable natural light and not create an undue sense of enclosure.

6.3.5 An objection has been raised with respect to the adverse impact of the dormer extension on the amenity of adjoining occupiers. This extension does not form part of the present application having been previously granted consent by the issue of a Certificate of Lawful Development.
6.3.6 The proposed external extension to the property is limited to the retention of the basement lightwell in the side accessway. Therefore the scheme would not create any adverse impacts upon the amenities of neighbouring residential occupiers in terms of loss of sunlight or daylight or creation of an undue sense of enclosure.

6.3.7 **Noise and Disturbance**

The proposal would provide 3 units of permanent self-contained residential accommodation. It is National Guidance (PPG24) that development should not have a detrimental impact in terms of noise levels. In this instance the proposed residential use would be within an established residential area. Reliance is placed on Building Control who has responsibility for ensuring acceptable soundproofing to proposed residential accommodation. It is considered that the proposed residential accommodation would not result in an unacceptable level of intensification in noise and disturbance to neighbouring properties.

6.3.8 In light of the above the proposed development is considered acceptable in terms of impact on the amenities of neighbouring properties.

**Living Conditions**

6.3.9 The Council requires all new residential schemes to be of a high quality, to be well designed and built to a high standard as specified in PPS1 Delivering Sustainable Development and PPS3 Housing (paragraph 10). In relation to design and quality, schemes should also comply with the requirements of UDP Policy 33 (Building Scale and Design), Policy 38 (Design in Existing Residential/Mixed Use Areas) and SPD Guidance and Standards for Housing Developments and House Conversions (July 2008) to provide an acceptable standard of accommodation. Core Strategy Policy S2 (h) Housing requires high standards of residential amenity, having regard to Council space standards and including the provision of outside amenity space.

6.3.10 **Room sizes and Layout:-**

The proposed overall unit sizes and room sizes are contained in the Table 2 below, where they are compared with the Council’s minimum floorspace areas, which are set out in SPD Housing Developments and House Conversions (July 2008).

<table>
<thead>
<tr>
<th>Rooms</th>
<th>Proposed Floorspace Sizes m²</th>
<th>Council’s SPD Minimum floorspace sizes m²</th>
<th>Proposed floorspace m² minus SPD floorspace m²</th>
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<tr>
<td><strong>Ground/basement Floor Flat A</strong> Two bedroom flat</td>
<td></td>
<td></td>
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<tr>
<td>Living/kitchen/ dining room</td>
<td>33</td>
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<tr>
<td>Bedroom 1</td>
<td>17.6</td>
<td>12</td>
<td>+5.6</td>
</tr>
<tr>
<td>Bedroom 2</td>
<td>11</td>
<td>7</td>
<td>+4</td>
</tr>
<tr>
<td>Bathroom</td>
<td>3.5</td>
<td>3.5</td>
<td>-</td>
</tr>
<tr>
<td>Utility room</td>
<td>13.5</td>
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Table 2
Overall 87 60 +27

**First Floor Flat B**  
**Two bedroom Flat**

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<tr>
<th>Room Type</th>
<th>First Floor</th>
<th>Second/Third Floor</th>
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<tr>
<td>Living/kitchen/dining room</td>
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<td>25.6</td>
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<tr>
<td>First Floor Bedroom 1</td>
<td>13</td>
<td>30.19</td>
</tr>
<tr>
<td>First Floor Bedroom 2</td>
<td>11</td>
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<td>First Floor Bathroom</td>
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<td><strong>First Floor Overall</strong></td>
<td><strong>60</strong></td>
<td><strong>63</strong></td>
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<th>Room Type</th>
<th>25.5</th>
<th>25.5</th>
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<tbody>
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<td>Living/kitchen/dining room</td>
<td>First Floor</td>
<td>Second/Third Floor</td>
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<tr>
<td>Bedroom 1</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td>Bedroom 2</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Bathroom</td>
<td>3.5</td>
<td>3.5</td>
</tr>
<tr>
<td><strong>Overall</strong></td>
<td><strong>60</strong></td>
<td><strong>63</strong></td>
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<table>
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<th>Room Type</th>
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<th>Plus</th>
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<td>First Floor</td>
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<td>+0.1</td>
</tr>
<tr>
<td>Second/Third Floor</td>
<td>+18.19</td>
<td>+3</td>
</tr>
<tr>
<td><strong>Second/Third Floor Overall</strong></td>
<td><strong>+3</strong></td>
<td></td>
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</table>

6.3.11 **Flat A**  
This flat provides two bedroom family accommodation on the ground floor with direct access to the rear garden, which is 8.3m long x 7.1m wide (59m²). Room sizes are generally in excess of adopted room size standards, in terms of floorspace and ceiling heights. Unlike the previously appealed layout this unit is double aspect with sunlit south facing front elevation compensating for the more shaded north facing rear elevation, and the limited outlook from the side elevation bedroom windows. The basement room was at appeal previously proposed as a bedroom, which the Inspector’s report (para15) describes as ‘...this room provides very poor living conditions indeed in terms of outlook and natural lighting’ In the present scheme this basement room is labelled a ‘Utility room’.

6.3.12 **Flat B and Flat C**  
Flat B is a two-bedroom flat on the first floor and Flat C is a two bedroom maisonette on the second and third floors. Both units would comply with adopted room size standards in terms of floor space and ceiling heights. Both flats would be double aspect (facing both north and south)

6.3.13 With regard to stacking of the accommodation all of the living rooms of the flats on the upper floors are vertically aligned. In order to maximise access to the rear garden the ground floor flat has the living room at the rear of the building. The main bedroom is placed at the front of the building facing south and located beneath the living room of the flat above. Such a layout at ground level to maximise the relationship of residents and rear private amenity space is not unusual and arises from practical use considerations. The administration of Building Regulations deals with ensuring acceptable soundproofing between flats. In light of the above the proposed stacking is considered acceptable.

6.4 **Design and Conservation Considerations**  
6.4.1 Existing extension to the roof and rear of the property have been carried out as permitted development and are therefore are not part of the present
6.4.2 The proposal includes the retention of a lightwell along the eastern side of the original dwelling house, allowing light into the basement level. Because of its secluded location the creation of a lightwell and removal of part of the addition at the side of a property, has no significant detrimental impact upon the appearance of the dwelling, or on the character of the surrounding area. The lightwell, which would be to light a proposed utility room, would be covered by a see-through metal grill to ensure that there are no safety issues.

6.4.3 The application also seeks retrospective approval for retention of a modest 0.36m increase in the floor to ceiling height to serve the room in the basement. This is considered acceptable.

6.4.4 In accordance with reports on the previously refused proposal, no design objections are raised with regard to the lightwell, increased basement ceiling height.

6.4.5 In the light of the above it is considered that the proposed development would not have a detrimental impact on the appearance of the building or on the character or appearance, of the setting of the nearby Streatham High Road & Streatham Hill Conservation Area.

7 Highways and Transportation Considerations

7.1 UDP Policy 9 requires that planning applications be assessed for their transport impact including adequate access and servicing for developments.

7.2 Core Strategy Policy S4 amongst other things seeks to minimise the need to travel and reduce dependence on the private car, and require that developments comply with the maximum car parking standards in the London Plan and reflect the public transport accessibility.

7.3 UDP Policy 14 amongst other things provides that: on street parking for new development may be accommodated on-street providing this does not interfere with bus use, sufficient carriageway width remains for all road users, and would not have an unacceptable impact on road safety, emergency service access, amenity or traffic management.

7.4 Accessibility & Density The site has a PTAL score of 6a, which is considered 'excellent'. Increased housing density is encouraged within areas of good public transport accessibility. The site is located within 50 metres of Streatham High Road Town Centre, where there are a variety of shops and services. Access to all three flats would be via the shared front door onto Pinfold Road.

7.5 Car Parking No off-street parking is proposed. All cars associated with the 3 units would therefore be accommodated on street. The site is not located within a CPZ, but parking is restricted immediately outside the property, and on Streatham High Road, by red route restrictions which are in operation from 7am-7pm. A car parking survey (Tuesday 15th June and Wednesday 16th June 2010) has been submitted with the application which found an average level of parking stress of 79% on surrounding roads, and 80% on Pinfold Road itself. Therefore it is considered that there is sufficient
capacity on-street to accommodate the additional vehicle associated with the proposals.

7.6 **Cycle Parking** 3 x cycle parking spaces are proposed within the site. In the event of planning permission being granted further details could be secured by condition to ensure that the cycle parking would be secure, covered and accessible.

7.7 **Refuse Storage** Three bin stores are proposed in the front garden. In the event of planning permission being granted further details could be secured by condition.

7.8 In response to consultation the Council’s Transport Officer does not raise any objections to the proposals, subject to conditions requiring details of cycle parking and storage of refuse and recycling.

8.0 **Sustainability issues**

8.1 Policy 35 of the UDP states: *All development proposals should show, by means of a Sustainability Assessment, how they incorporate sustainable design and construction principles.*

8.2 No Sustainability Assessment has been submitted. The proposed development would provide self-contained residential accommodation with an excellent level of public transport accessibility (PTAL level 6a). The location therefore encourages the use of nearby public transport services and walking to nearby shopping and other facilities. The development is therefore considered to be in accordance with the principles of sustainable development in transport terms.

8.3 A planning appeal decision dated 11th May 2005 concerning residential development at 10-12 Shrubbery Road (Ref APP/N5660/A/04/1161627) has been taken into consideration in terms of car parking and sustainability. In this appeal the Inspector, in dismissing the appeal, rejected the Council’s reasons for refusal on parking stress and highway/pedestrian safety stating that although there was: *‘evidence of existing high on-street parking demand in the area, the proposals reflect the general policy to reduce provision for the private car and encourage the use of non-car transport modes.’* 4 Pinfold Road is located closer to Streatham High Road than the property at 10-12 Shrubbery Road, so the appeal decision is considered to be relevant to this application.

9.0 **Crime Prevention/ Designing Out Crime**

9.1 There is no reason to suggest that the development will increase opportunities for crime. The Crime Prevention Officer has recommended that in the event of planning permission to be granted the applicant be required by condition to undertake an evaluation covering how Community Safety / Designing out Crime would be dealt with, in accordance with UDP Policy 32.

10.0 **Flood risk**

10.1 The site is not identified as being within a known flood risk area.
11.0 Conclusion

11.1 The property has a long established history of residential use, is located within a residential area. It is considered that, in principle, residential use of the property is acceptable.

11.2 The proposed development would comply with the Council’s standards with regard to space and layout. The proposed scheme would comprise three family sized units, with the ground floor unit having direct access to the rear garden. Although the property is large enough for conversion the proposal would result in the unacceptable loss of a family size house, by reason of its proposed conversion into flats within an area of conversion stress. As such the proposal would be contrary to Policy S2 (e), of the Lambeth Local Development Framework Core Strategy, which was adopted on the 19th January 2011.

11.3 As with the previous application it is considered that the proposed development would not result in loss of amenity to neighbouring properties in terms of privacy, natural light, overlooking, and outlook, sense of enclosure or noise.

11.4 The proposed alterations to the building would be relatively modest since the existing rear and roof extensions are not included in the application for permission. The proposals would not have a detrimental impact on the character or appearance of the nearby Conservation Area.

11.5 As with previous decisions no objections are raised with regard to lack of off-street car parking space within this area which has an excellent level of public transport accessibility.

11.6 In light of the conversion resulting in the unacceptable loss of a family sized house, within an area of conversion stress, it is recommended that planning permission be refused.

12.0 Recommendation

12.1 Refuse planning permission.

Reason

The proposed development would result in the unacceptable loss of a family size house, by reason of its proposed conversion into flats within an area of conversion stress contrary to Policy S2 (e), of the Lambeth Local Development Framework, Core Strategy, adopted on the 19th January 2011.
APPENDIX 1

Appeal Decision

Hearing held on 17 April 2007

by Stephen Brown MA DipArch(Cantab) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

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Date 27th June 2007

Appeal A: ref. APP/N5660/C/06/2026181
No. 4 Pinfold Road, London SW16 2SN

• The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
• The appeal is by Haywoods Investments Ltd against an enforcement notice issued by the Council of the London borough of Lambeth.
• The Council's reference is 05/00543/3DEV.
• The notice was issued on 15 September 2006.
• The breach of planning control as alleged in the notice is without planning permission, the material change of use of the premises from a C3 dwellinghouse to five self-contained residential flats.
• The requirements of the notice are:
  A. Discontinue the use of the premises as five self-contained flats.
  B. Remove all internal partitions and divisions, kitchen units and appliances, which facilitate the unauthorised use of the premises as five self-contained flats;
  C. Remove all resultant debris from the premises.
• The period for compliance with the requirements is 120 days.
• The appeal is proceeding on the grounds set out in section 174(2)(a), (f) & (g) of the Town and Country Planning Act 1990 as amended. The application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

Appeal B: ref. APP/N5660/A/06/2027492/NWF
No. 4 Pinfold Road, London SW16 2SN

• 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 Haywoods Investments Ltd against the decision of The Council of the London borough of Lambeth.
• The application ref 05/03932/FUL, dated 23 December 2005, was refused by notice dated 24 March 2006.
• The development proposed is the change of use of a single dwellinghouse to five flats.

Summary of Decision: The appeal is dismissed.
Appeal Decision APP/N5660/C/06/2026181 APP/N5660/A/06/2027492/NWF
& APP/N5660/A/06/2027495/NWF

Appeal C: ref. APP/N5660/A/06/2027495/NWF
No. 4 Pinfold Road, London SW16 2SN

- 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 Haywoods Investments Ltd against the decision of The Council of the London borough of Lambeth.
- The application ref. 06/01396/FUL, dated 27 April 2006, was refused by notice dated 23 June 2006.
- The development proposed is the change of use of a single dwellinghouse to five flats.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The description of development in both planning applications is the same. For the purpose of clarity, the first planning application – Appeal B – proposed two 2-bedroom flats on the ground and basement levels. The second application – Appeal C – sought to address the Council’s concerns about the first scheme by providing a 3-bedroom flat and a 1-bedroom flat on the ground and basement levels. Both schemes would provide 3 flats on the upper floors of the premises. The scheme in Appeal C is virtually identical to the scheme as built, which is the subject of the enforcement notice.

The appeal on ground (a), the deemed planning application and the two Section 78 Appeals

2. Development plan policy before me is from London Plan of 2004 and the Lambeth Unitary Development Plan (UDP) of 1998. Strategic policy of the London Plan includes aims to optimise the use of vacant or under-used buildings; to ensure that development takes place in accessible locations, and to intensify housing provision.

3. I consider UDP policy of particular relevance in this case is as follows. Policy H10 seeks to assess all residential development proposals, including conversions, against a range of Residential Development Standards, including Standard ST3, which seeks to ensure good standards of daylight and sunlight. Policy H17 seeks to control various aspects of conversions of existing houses to flats. The policy includes measures seeking to ensure that such schemes include a unit of 3 or more bedrooms at ground or semi-basement level, with direct access to a rear garden or open amenity space, and to achieve a mix of dwelling units within the building. Furthermore, the internal layout and room sizes should normally comply with the Council’s relevant Supplementary Planning Guidance (SPG) on Residential Development Standards.

4. Policy from the Revised Deposit Replacement UDP is also before me. Explanatory text to policy on housing provision identifies house conversion as being a source of additional housing in the Borough. Policy 17 seeks to control conversions of dwellings to flats. Again this policy seeks to control the types of houses converted and the number and mix of flats, amongst other things. This is not an adopted plan, but has been to public inquiry and changes published subsequent to the Inspector’s report. However, I understand that the changes include more recent amendments proposed by the Council, and that they have been advised are unlikely to proceed to adoption without a further inquiry into objections. I can accord these little weight. However, I consider the policies as recommended for change by the Inspector should be treated as a material consideration in determining these appeals.
Reasons

5. The appeal property is a substantial semi-detached house standing on the northern side of Pinfold Road. As originally constructed it had a basement below the rear part of the house, two full storeys on the ground and first floors, and a second floor partially within the attic space. Relatively recently the loft above the second floor has been converted, with a new staircase, and the roof extended to the side and rear. Also, a ground floor rear extension has been added, together with associated alterations. A Lawful Development Certificate covering these works was issued on 23 December 2005 (ref. 05/03282/LDCE).

6. The building has now been converted to provide 5 flats. On the ground floor to the front is a one-bedroom flat comprising a kitchen/dining/living room leading to a bedroom with en-suite wc/shower room. To the rear, there is a 3-bedroom flat. On the ground floor this has a living/kitchen/dining room with access to the back garden, 2 bedrooms having windows in the flank wall of the house, and an internal bathroom. A staircase leads down to a 3rd bedroom in the basement with an en-suite bathroom.

7. On the first floor is a 2-bedroom flat, occupying the entire floor apart from the common circulation area. This has a living/dining room and separate kitchen at the front, with a corridor leading to the 2 bedrooms at the back and to separate shower and bathrooms, both with WCs. On the second floor is a one-bedroom flat, having a living/kitchen/dining room at the front, and a bedroom with an en-suite WC/shower room to the back. In the converted loft above is a studio flat, having a single room off which is a WC/shower room.

8. The scheme as built is virtually identical to the scheme in Appeal C. The scheme in Appeal B is an amended version, in which the basement staircase, bedroom and en-suite bathroom would form part of the front ground floor flat. As a result there would be two 2-bedroom flats on the ground floor. The accommodation on the floors above would remain the same.

9. The scheme as built differs slightly from both the planning appeal schemes in that the two separate light-wells outside the basement bedroom windows have been excavated to form a single light-well. A drawing was submitted at the Inquiry showing the single light-well as part of the planning appeal proposals. This is a very minor amendment, and I have determined the planning appeals on the basis that it forms part of the proposed schemes. I do not consider that any party is prejudiced by this course of action.

10. From my inspection of the appeal site and its surroundings, and from all that I have heard and read I consider the two main issues in the ground (a) appeal, the deemed planning application and the two planning appeals are as follows:

   i. whether the schemes provide satisfactory living conditions for occupants of the flats in terms of natural lighting and space standards; and,

   ii. the effect of the schemes on the provision of residential accommodation within the Borough, with particular regard to the mix of dwellings and their layout.

11. It appears to me that the 2-bedroom flat on the first floor, and the one-bedroom flat on the second floor both provide living accommodation to a good standard. The areas of bedrooms and living/dining/kitchens accord with the Council’s standards set out in Supplementary Planning Guidance. Rooms in these flats generally have good natural
lighting and good outlook, the living rooms are south facing and can receive sunlight for a good proportion of the day. Although bath/shower rooms are somewhat cramped, they can clearly function properly.

12. The main room of the studio flat has windows of decent size on the north and east elevations as well as roof-windows in the areas of sloping ceiling. In my opinion this achieves a good standard of natural lighting. About 20 square metres of the total room area of about 33.5 square metres has a ceiling above a height of 2.3 metres, with the remainder being sloping. The Council’s SPG standard for the living space in flats of this type is that it should be at least 29.8 square metres. Furthermore, for rooms with sloping ceilings, at least 50% of the floor area should have a ceiling height of at least 2.3 metres. In those terms the studio flat complies with the Council’s standard. Furthermore, the area of the room in which the ceilings slope effectively forms an alcove for the bed, which appears a practical and convenient arrangement, making good use of the area with lower ceilings.

13. Looking now at the existing ground floor flats, and the Appeal C scheme, the two ground floor bedrooms of the rear flat - Flat B - both have windows facing towards no. 6 Pinfold Road. The larger room - Bedroom 2 - has a sash window of adequate size to provide a good level of natural light. The smaller room – Bedroom 3 – has a small sash window with a relatively high cill. This appears to have been the window of a small ancillary room in the house before it was converted - possibly a larder off the original kitchen. In my opinion this small window gives the bedroom a gloomy and unattractive character. The windows of both rooms look towards the boundary fence with the flank wall and the back extension of no. 6 Pinfold Road beyond, providing a rather poor outlook.

14. Although the living/dining/kitchen in this flat has French doors directly onto the rear garden, these face almost due north, and will receive virtually no sunlight at all. Given the proximity of no. 6 to the appeal premises it is also doubtful that any sunlight will reach the two ground floor bedrooms of this flat.

15. The basement room in Flat B – Bedroom 3 – is the largest of the bedrooms. It has two windows below external ground level, opening onto a light-well protected by a metal grille. The wall of the light-well is 0.69 of a metre from the face of the building, and this provides the outlook for the room. Given the proximity of the obstruction to the windows and the lack of any significant vertical sky component to the natural lighting it is improbable that the room would ever receive a good level of daylight, and accord with the advice of the Building Research Establishment publication ‘Layout Planning for Daylight and Sunlight: A Guide to Good Practice’. Although the site visit took place on a reasonably bright day with occasional sun, it was clear that artificial lighting would be needed in this room at virtually all times. To my mind this room provides very poor living conditions indeed in terms of outlook and natural lighting.

16. In a flat of this type, with a single common living and cooking area it is almost inevitable that members of the household would use the bedrooms for purposes such as private study as well as sleeping, and they therefore become an important element of the general living accommodation. Overall, this unit does not provide a 3-bedroom flat that can properly be occupied by a family, or a group of individuals.
17. If the scheme in Appeal B were to be implemented the basement bedroom and bathroom would become part of the front ground floor flat, making both ground floor flats into 2-bedroom units. However, the unit to the front would now have the unsatisfactory basement bedroom. The unit to the rear would have 2 bedrooms with poor outlook, one of which also has relatively low levels of natural light, and the main living area facing north. This scheme would not overcome my concerns about living conditions in the ground floor flats.

18. Overall, I consider the difficulties in providing a satisfactory arrangement for 2 flats on the ground floor in either of the two schemes before me clearly indicates that this is an over-intensive conversion. I conclude on the first main issue that although space standards are satisfactory, the existing development and the proposed development would cause significant harm to living conditions for occupants of the ground floor flats in terms of outlook and provision of natural lighting. In that regard they would not accord with the aims of UDP Policy H17.

19. Turning to the second main issue, the building as it stands has one 3-bedroom flat, one 2-bedroom flat, two 1-bedroom flats and a single studio flat. I consider this to be a preponderance of 1-bedroom units, rather than the more balanced mix envisaged in the adopted UDP, where a single 1-bedroom unit within a scheme of up to 5 units is envisaged. Nor can it be regarded as including the 'full mix' of unit sizes, which should be included wherever practical, envisaged in the emerging UDP.

20. The UDP anticipates the majority of additional housing needed will be for one-person households. However, there is little before me to indicate what the proportion of additional one-bedroom households is expected to be. Furthermore, the aims to achieve a full mix of unit sizes appear to me to argue against the provision of a preponderance of 1-bedroom units in any development.

21. It was argued that the Council were being unduly inflexible and restrictive, and placing too much emphasis on provision of a 3-bedroom ground floor flat. Furthermore, that they were also attempting to retain 3 and 4 bedroom houses, when there was no policy justification for doing so. However, the Council do not dispute that this house might be converted to flats, and emerging UDP policy accepts that units with 2 or more bedrooms may be included as family accommodation, rather than the 3-bedroom units envisaged in the adopted UDP.

22. While the scheme in Appeal B may ostensibly be more in line with the aims of emerging development plan policy, in adjusting the balance of the mix, it appears to me that this is little more than a contrivance, which would result in two units of a somewhat poor standard, and does little to address the policy aims for flats to have satisfactory lighting conditions and provide acceptable standards of accommodation. I appreciate that all the flats in the appeal premises have been let, but this does not justify the provision of low-standard accommodation.

23. I conclude on the second main issue that neither the existing development, nor the proposed development would make an acceptable contribution to the provision of residential accommodation within the Borough, with particular regard to the mix of dwellings and their layout. The development and proposals would not accord with the aims of UDP Policy H17, nor with those of Draft Replacement UDP Policy 17.
24. It was argued that the development intensifies housing provision in an area with good public transport links, and optimises the use of an under-used building. Furthermore, conversion of existing housing stock is promoted by government policy as expressed in Planning Policy Statement 3 (PPS3) ‘Housing’, strategic policy of the London Plan and emerging UDP policy. However, no evidence was put forward that the appeal property was previously underused, and the fact that a house is large does not mean it is necessarily under-used. It is the case that national policy and emerging UDP policy put an increased emphasis on the possibility of converting existing housing stock to flats. However, I do not consider this should be at the expense of other important factors such as the living conditions in the flats, and the mix of housing that would result. The appeal on ground (a) and the two planning appeals therefore fail.

The appeal on ground (f)

25. It was argued that the requirements of the notice are excessive, and that the perceived problems with the development could be remedied by amendments to the scheme, possibly by imposition of conditions. One suggestion was that the brickwork between the windows to the basement room could be removed, creating a full width window and ensuring adequate daylight. However, no estimates had been made of the effect this might have on natural lighting of the room. Given the restricted width of the light-well and the lack of visible sky from these windows I am sceptical that the alteration would be effective. Furthermore, the outlook from the room would be virtually unaltered. I do not consider this measure would improve living conditions to a degree that would make the scheme acceptable.

26. It was also suggested that the lack of sunlight to the main living room in Flat B could be remedied by introducing glazing or rooflights into the partly pitched and partly flat roof over the room. However, given that this room faces north and slightly west, the roof would receive sun only in the early morning and evening, when it would be at a low elevation. I do not consider this would adequately remedy the problem.

27. It was also suggested that other problems could be remedied by imposition of conditions including the provision of an enclosure for refuse bins, moving of external meters to a less prominent position, and implementation of a scheme for railings or gates to protect the side passage and protect the light-well. However, these measures would not remedy the underlying problems of living conditions in some of the ground floor and basement rooms, nor would they affect the imbalance in the mix of units.

28. No other lesser steps were put forward that I am satisfied would resolve the harm that has been caused. The appeal on ground (f) fails.

The appeal on ground (g)

29. It was argued that all the flats are let to tenants on 12 month assured shorthold contracts with 6 month break clauses, and the 120 day compliance period would not be sufficient to allow the building to be vacated and undertake the necessary works. The Council argued that the appellant had been aware that enforcement proceedings were under way and should have taken account of that. However, the appellant has a reasonable expectation that an appeal might be successful and could therefore continue to let the property at least until determination of such appeal.
30. In this case it would not unduly lengthen the compliance period if extended to allow the landlord’s obligations to the existing tenants to be fulfilled, with a further period for executing the requirements of the notice. I consider the compliance period should be extended to 8 months, and I intend to vary the notice accordingly. The appeal on ground (g) therefore succeeds.

**Conclusions**

31. I have considered all other matters before me, including the argument that the lack of any parking problems caused by the development, in an area where there is considerable pressure for on-street parking, demonstrates it is not over-intensive. However, the fact that it is anticipated that additional parking can be accommodated does not demonstrate that the development is acceptable in terms of the quality and mix of housing. I find neither this nor any other matter sufficient to outweigh the considerations that have led me to my decisions. For the reasons given above, I consider that the three appeals should be dismissed.

**Formal Decisions**

**Appeal A: ref. APP/N5660/C/06/2026181**

32. I direct that the enforcement notice be varied by substitution of the words ‘9 months’ for ‘120 days’ in paragraph 6 of the notice.

33. Subject to this variation, I dismiss the appeal and uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

**Appeals B & C: refs. APP/N5660/A/06/2027492/NWF & APP/N5660/A/06/2027495/NWF**

34. I dismiss both the appeals.

**Stephen Brown**

INSPECTOR