

PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/08/2018 AND 31/08/2018

Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
17/04087/FUL	Refusal - Town Planning	3 Tremadoc Road London SW4 7NF	Formation of a roof terrace together with obscure glass balustrade. Replacement of a window with the installation of bi-folding doors to the rear at second floor level. (Flat B)	Delegated Decision	Refuse Permission	21.08.2018	Appeal Allowed

The Inspector considered the main issues of this appeal to be: the effect of the development on the living conditions of the occupiers of nearby residential properties with particular regard to noise and disturbance; and, the effect of the development on the character and appearance of the area.

The Inspector noted that whilst the Council consider that the roof terrace at No 1 is not a material consideration (as there is no planning history relating to this roof terrace), it appeared to have been in situ for some time and was considered a material planning consideration. The Inspector considered that the addition of further outdoor domestic space would not have a significant impact on the occupiers of the adjoining and nearby residential properties, in respect of noise and disturbance, especially given the existing terraces and the proximity of the site to a busy street (Clapham High Street). He also considered that there would be no significant impact upon the privacy of the occupiers of the adjoining residential properties.

The Inspector did however note that, given the use of an obscure glazed screen, at a height of 1.7 metres above the roof terrace floor, there would not be any significant overlooking opportunities.

The Inspector went on to allow the appeal.

17/04292/FUL	Refusal - Town Planning	62 Harleyford Road London SE11 5AY	Erection of an additional storey at roof level to create second floor	Delegated Decision	Refuse Permission	29.08.2018	Appeal Allowed
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The Inspector considered that the main issues were the effect of the proposal on the character and appearance of the conservation area and, the impact of the proposal on the residential amenity of neighbouring occupiers in particular regards to light.

With regards to the design and conservation matters, the Inspector noted that the host building is constructed of yellow stock brick with a stucco cornice to the parapet and attractive traditional fenestration. The Inspector considered that the significance of the CA is derived from its evolution around Vauxhall Bridge. The Inspector further acknowledged that the host property once formed part of a terrace of 3 properties.

Although the variation in roof heights of the neighbouring properties, and the positive contribution this made to the CA had been the basis for the council resisting the proposed roof addition, the Inspector found that the variation in roof heights would still be maintained and that one of the neighbouring properties would still be 'significantly' taller. In addition, as matching materials and finishes were proposed, the Inspector found that there would be no harm to the host property, varied streetscene or the CA and be a relatively modest addition to the dwellinghouse.

With regards to the residential amenity of neighbouring occupiers, the Inspector considered that as the adjacent property had no windows in the flank elevation facing the application site

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that there would be no impact; and that the separation distances between the application site and other neighbouring properties along with mature landscaping resulted in there being no unacceptable impacts in terms of loss of light.

The Inspector noted that the applicant's personal circumstances had no bearing on the decision.

The appeal was allowed.

17/02955/FUL	Refusal - Town Planning	Land Rear Of 62 To 68 Kingsmead Road London	Redevelopment of the site involving the erection of a part single part two storey building with Sedum Brown roof to provide four residential units (1x1-bed and 3x2-bed) together with the provision of refuse storage; amenity space; access gates and landscaping	Delegated Decision	Refuse Permission	09.08.2018	Appeal Dismissed
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The Inspector considered the main issues of the appeal to be: whether the development would have satisfactory service access, the effect of the development on local biodiversity, and the health and longevity of nearby trees, whether the development would have appropriate refuse storage and collection facilities; and, the effect of the development on surface water drainage.

On the 1st issue, the Inspector considered that the submitted swept path analysis shows that when vehicles are parked on both sides of Kingsmead Road, there is only room for one running lane, and vehicles small enough to negotiate the vehicular track would be unable to turn round at the site, and consequently would have to reverse in or out of the track's road entrance, between kerbside parking bays. He further noted that, roadside parking could restrict visibility, and reversing vehicles would potentially cause inconvenience and hold-ups for other vehicles, depending on traffic flow, and fire tenders would be unable to reach the site and the development would exceed the limit of 45 metres set out in the Building Regulations. The Inspector concludes that the development would not have provision for appropriate servicing, it would not have appropriate emergency access, and, that the development would have unacceptable transport impacts, including congestion, highway safety and traffic flow.

On the 2nd issue, the Inspector noted from the submitted ecological survey that, if mitigation measures such as bat and bird boxes, wildlife friendly planting and invertebrate habitats are provided within the site, the development would have a positive impact on the biodiversity of the site and local area. However, the Inspector noted the text concerned with the presence of foraging bats states that even with mitigation, the effects of light and the loss of natural habitats could not be fully mitigated and there would be a minor negative effect arising from the development. The Inspector considered that the development would cover large proportion of the plot, and although each flat would have a small area of garden, it would be highly likely that a part of each garden would be paved or used for the storage of garden furniture, washing lines and the like. He considered that, even if future occupiers were willing to accommodate log piles and the often untidy wildlife friendly vegetation, there would be limited space. Such space as there was would be small and highly fragmented, and, the development would introduce light and activity and disturbance which would not be conducive to wildlife.

In addition, the Inspector considered that, the submitted tree survey identified three trees in or near the site which are categorised as A or B, including a mature Oak. The Inspector considered that the location of the trees would cause significant overshadowing and impede daylight. He also considered that the crown thinning proposed would promote growth in a healthy tree and pruning wounds render trees susceptible to disease which may have an adverse effect on their longevity and future health. The Inspector stated that, generally the public

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has a low tolerance of the inconvenience caused by living in proximity to trees and the associated issues of overshadowing, leaf litter, bird droppings and the perceived threat of falling branches and movement in stormy weather. These issues are exacerbated where amenity areas are particularly limited in size and the trees are particularly tall and close to the dwellings, as they would be here. As such, it is highly likely that in time there would be pressure for more extensive pruning works or felling. The Inspector therefore concluded that the development would give rise to a long term threat to the continued well-being of the trees and, would not sufficiently compensate for the loss of wildlife habitats within the site.

On the 3rd issue, the Inspector noted the distance from the footway to the development would exceed that considered reasonable for Council operatives, but noted that the appellant had proposed an alternative arrangement with an independent body, which could be secured via a condition, and is considered acceptable. The Inspector noted the Council's concerns about the robustness of the proposed lightweight storage unit, but was satisfied that through further dialogue and the imposition of a condition, an appropriate solution could be found.

On the 4th Issue, the Inspector noted that the submitted surface water drainage strategy demonstrates that the development would include measures such as permeable surfacing and on-site attenuation which, he concludes, would not have an adverse effect on surface water drainage.

The Inspector notes the Council's concern that the development would be required to make a contribution towards affordable housing in line with LP Policy H2, depending on the financial viability of the development. However, the courts have subsequently found that the Written Ministerial Statement, which exempted small development from such contributions, should be upheld. Consequently, there is no requirement for the appellant to make a contribution towards affordable housing. He also notes the reasons for refusal included the legal right of access along the track but this not a planning matter. In any case, the appellant has clarified their right to use the track during the appeal. And, notes that there is another cul de sac in the area but I do not have the particular details of that development before me. In any case, it appears to predate current policy requirements by some years.

The Inspector dismissed the appeal.

17/02012/FUL	Refusal - Town Planning	Lansdowne Wood Close London SE27 0BY	Erection of 2 storey building plus lower ground floor to provide 6 self contained flats on the land between 19 and 24 Lansdowne Wood Close, together with the provision 13 car parking spaces, refuse/recycling store, a secured cycle storage and hard landscaping.	Delegated Decision	Refuse Permission	14.08.2018	Appeal Dismissed
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The Inspector noted that the main issues of the appeal are: the effect of the development on the living conditions of future occupiers in particular regard to private amenity space and light; highway and pedestrian safety, and cycle parking provision; the health and longevity of protected trees with the adjoining Site for Nature Conservation (SINC) and the character and appearance of the area.

On the first issue, the Inspector noted that there would be no communal amenity space and insufficient private amenity space. He noted that the internal floor area would exceed the national standard but the additional internal space would not adequately offset the significant deficiency in outdoor space. The appellant submitted an internal daylight analysis report with the appeal which concluded that the lower ground floor accommodation would pass the ADF threshold of 2 per cent for habitable rooms set out in the BRE guidelines. However, the Inspector considered that the levels of natural light towards the rear of these rooms would not provide adequate daylight or satisfactory living conditions. Furthermore, one window

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would be hard against the site boundary which is currently lined with trees growing on the adjacent plot. As such, the development would have an adverse effect on the living conditions of future occupiers.

On the second issue, the Inspector noted that the swept path analysis for some of the proposed parking bays shows vehicles would need to follow a convoluted route with several slight changes in direction and therefore be little margin for error. He considered that this would be unlikely to be achievable by drivers particularly in certain conditions, as such there is insufficient space between parking bays and the limits of the road areas. The Inspector also noted that, for some bays, it would be necessary to drive over the transfer zone of the disabled parking bays, the lack of dedicated transfer zones could lead to conflict between manoeuvring vehicles and people using the disabled bay, resulting in a hazard for pedestrian safety.

The Inspector further noted the submitted swept path analysis for refuse trucks, indicates that turning manoeuvres would also require encroachment into the disabled bay's transfer zone. The appellant argues that there would be space for ten cycles. However, the Inspector noted that a standard Sheffield cycle stand occupies a space of about 1 metre. Using the width of the nearby parking bay as a guide, the Inspector concluded that the cycle storage area would accommodate no more than a few cycles at ground level. Even if a condition was imposed to require a two tier structure, the Inspector was not satisfied that ten cycles could be accommodated in the space shown. This deficiency could not be addressed through a condition, as providing space for ten cycles could fundamentally change the development's layout on this constricted site.

On the third issue, the Inspector noted that, given the proximity of the development to the site boundary, the construction works would have an adverse effect on the future health and longevity of these trees and, was not satisfied that a tree protection plan could address the likely damage. The appellant stated that the development would include additional trees, however the Inspector noted there is very limited external space and not readily apparent where trees could be planted. Even if trees were retained and protected, the windows serving the 2 of the lower ground floor flats would be about 1 metre from the site boundary. As such, there would be further pressure for their removal to prevent daylight/overshadowing issues.

On the fourth issue, the Inspector noted that the building line would be unrelated to the adjoining terraces and would unbalance the symmetry of the established building pattern. The development would not be well designed from the frontage and would have an adverse effect on the character and appearance of the area. Consequently, the development would fail to sustain and reinforce local distinctiveness.

The Inspector dismissed the appeal.

16/06090/FUL	Refusal - Town Planning	Unit A 22-24 Bromell's Road London SW4 0BG	Change of use from existing live work unit (sui generis) to 1 self contained residential unit at upper ground floor and 1 Commercial (B1) unit at lower ground floor - resubmission	Delegated Decision	Refuse Permission	31.08.2018	Appeal Dismissed
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The Inspector considered the main issue of the appeal to be: whether in the absence of a legal agreement to secure the proposed development as a car-free development, the proposal would contribute unacceptably to parking stress and congestion.

On this issue, the Inspector noted that the site was currently a live-work unit located within a CPZ. The commercial unit has business parking permits and noted that the appellant had declined to enter into a S106 agreement to secure the residential unit as car-free. The Inspector noted that during the site visit there were limited car parking spaces available in the area. The Inspector noted that any further parking associated with residential uses at the appeal site would be liable to contribute unacceptably to parking stress and congestion in this area.

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The Inspector noted the appeal decision at 4 Houghton Square, however stated that the appeal site was some distance from this property and had not provided a parking stress survey to demonstrate that this area would be able to accommodate on-street car parking. The Inspector concluded that in the absence of substantive evidence in relation to parking or a mechanism to secure the development as car-free housing, the proposal would be liable to contribute unacceptably to parking stress and congestion.

The Inspector went on to dismiss the appeal.

17/03118/FUL	Refusal - Town Planning	Tait House Greet Street London SE1 8NA	Replacement of existing UPVC windows and doors with new UPVC windows and doors.	Delegated Decision	Refuse Permission	20.08.2018	Appeal Allowed
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The Inspector considered the main issue of this appeal to be: the effect of the proposal on the character and appearance of the area, bearing mind the appeal building is a non-designated heritage asset.

On this issue, the Inspector noted that whilst, installing higher specification windows to the building may be an enhancement and desirable, the proposal is to replace the existing windows with new windows which would be virtually identical in appearance to the existing windows. He noted that there would be no significant change in the appearance of the appeal building. The Inspector thusly considered that there would be no harm to the character and appearance of the area or the locally listed building and the character, appearance and the significance of the non-designated heritage asset would be preserved.

The Inspector went on to allow the appeal subject to conditions. An application for costs award against the LPA was dismissed.

17/03267/P30	Refusal - Town Planning	68B Venn Street London SW4 0AX	Prior approval for the change of use of upper floor from office use (Use Class B1) to residential dwelling (Use Class C3).	Delegated Decision	Prior Approval Refused	29.08.2018	Appeal Dismissed
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The Inspector considered the main issues of the appeal to be: the transport and highways impacts of the proposal with particular regard to cycle storage, the contamination risks of the proposal, and, the impact on the living conditions of future occupiers with particular regard to noise.

On the first issue, the Inspector agreed with the Council that details of cycle storage was necessary. Furthermore, the proposed hanging cycle storage above the stairwell was of inappropriate design which would discourage day to day cycle use and would be problematic to store when wet. The Inspector noted that there was no evidence to suggest that the existing cycle store would be able to accommodate extra demand. The Inspector noted on the matter of parking, that the site was in a CPZ and no documents had been submitted to show that the proposal would be secured as car-free. The Inspector concluded that the proposal would result in transport and highway harm.

On the second issue, the Inspector noted that a detailed survey of the building had not been undertaken by a suitably qualified person and this could pose a health risk to future occupiers. The Inspector concluded that the proposal would give rise to significant contamination risks to the future occupiers of the proposed residential use.

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On the third issue, the Inspector noted that the site was located in close proximity to commercial uses, including a postal sorting office. The Inspector stated that without a detailed assessment of the noise impacts arising from the nearby commercial uses and details of mitigation measures, the proposal would not provide acceptable living conditions for future occupiers.

The Inspector went on to dismiss the appeal.

17/01993/FUL	Refusal - Town Planning	126 Cheviot Road London SE27 0LG	Erection of a detached single storey dwelling, following the demolition of the existing detached garage.	Delegated Decision	Refuse Permission	24.08.2018	Appeal Dismissed
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The Inspector considered the main issue to be the effect of the development on the character and appearance of the area.

The Inspector acknowledged the proposed dwelling would occupy a similar position and built footprint to the existing garage, and that the application site is a larger plot than the majority of nearby properties. Despite this, the Inspector considered that the proposal would be taller, deeper and wider, eroding the characteristic space between properties. He concluded that the proposal would result in a bulky and incongruous addition between buildings which does not read as a garage.

The Inspector disagreed with the Council's reasons relating to the proposed boundary treatment and off-street parking, stating that in his opinion, there would be sufficient parking capacity and, details of proposed boundary treatment could be secured by condition.

The Inspector attributed significant weight to the applicant's statement that the accommodation was required for a disabled family member and carer. However, he did not consider this to outweigh the harm resulting from the proposal.

The Inspector subsequently dismissed the appeal.

17/05295/ADV	Refusal - Advert	Highway Land To The West Of Waterloo Roundabout London SE1	Display of 1 x freestanding single sided portrait advertisement featuring an electronic display capable of automatic sequential change.	Delegated Decision	Refuse Permission	29.08.2018	Appeal Dismissed
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The Inspector considered the main issues of this appeal to be: the effect of the proposed advert upon amenity and public safety in the area.

On the 1st issue, the Inspector noted that despite it being of a standard size and build, due to its size, illumination and position, it would be an incongruous and overly dominant addition

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to this part of the South Bank Conservation Area (SBCA), and in a prominent location. It would detract from views of the SBCA, particularly from the south and east, and would partly block views of the Whitehouse flats, and associated gardens within the SBCA. For these reasons, the Inspector considered that the proposed advertisement would neither preserve nor enhance the character and appearance of the SBCA and would be harmful to visual amenity.

On the 2nd issue, the Inspector noted that the proposed advertisement, due to its size, location, direction of display and illumination would be likely to reduce the wider visibility of the existing traffic signals and signs and would significantly distract the attention of drivers to the detriment of highway safety.

The Inspector dismissed the appeal.

	Allowed	Dismissed	Mixed
Month total	3	6	0
Financial year to date	17	30	1