

PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/10/2018 AND 31/10/2018

Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
17/02161/LDCE	Certificate 4 Lawful Development Appeal	3 Broxholm Road London SE27 0NA	Application for a certificate of lawfulness (Existing) with respect to the use of property as a house in multiple occupation and a self-contained studio flat.	Delegated Decision	Refuse Permission	31.10.2018	Appeal Allowed

The appeal relates to a 3-storey property with 6 bedrooms and a ground level (marked as basement on the submitted drawings) self-contained unit annotated as a 'studio unit' on the application drawings. All rooms are accessed from a single point of entry at first floor level, which is reached from an external staircase. The LPA contended that the studio room and associated kitchen and bathroom does not form a self-contained flat, in that it does not have a separate entrance. In respect of the studio unit the Inspector notes that the conversion of that part of the ground floor into the self-contained unit constituted a material change of use. He further opined *"The studio room is accessed via its own private doorway from the shared stairwell and has all the facilities necessary for day to day living in that it has its own kitchen and shower room. As such it comprises an independent unit of accommodation that constitutes a separate planning unit. Although it does not have independent access to the street it is no different in that respect to an apartment within a block of flats each accessed from a shared staircase and hallway"*.

In refusing the LDCE the LPA contended that the submission had failed to sufficiently evidence that the 6 bedrooms has all been let continuously. In reviewing the submitted evidence the Inspector notes that a statutory declaration had been submitted by the tenant of Room 3 advising that he had occupied his room since 2001, whilst also advising that two other occupants had occupied their rooms since 2003 and 2007 respectively. The Inspector also considered the submitted tenancy agreements and notes that there were some breaks in the periods of tenancy. On this matter he states *'With regard to other tenancies there are breaks in the documented periods of various tenancies. However, assured shorthold tenancies can be extended by agreement and such gaps do not demonstrate that the rooms were not occupied. Furthermore, short breaks in the tenancies of the bedrooms between tenants or during refurbishment would not constitute a break in the use'*.

The Inspector concludes that the use of the premises as an HMO (use Class C4) for the period of ten years leading up to the application, i.e. from 8 June 2007, had been demonstrated on the balance of probability and the conversion and use of part of the basement to a self-contained dwelling has subsisted since 2005. The appeal was allowed and a Lawful Development Certificate granted.

17/05115/P3C	Refusal - Town Planning	210 Upper Tulse Hill London SW2 2NS	Application for a prior approval for the change of use from hairdressers (Use Class A1) to a cafe/restaurant (Use Class A3) together with the installation of a flush ventilation grill at rear elevation.	Delegated Decision	Prior Approval Refused	23.10.2018	Appeal Allowed
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The Inspector considered the main issues of this appeal to be whether the proposal would lead to unacceptable adverse effects with regard to noise and odours. The application submitted to the LPA did not contain any details of the siting, design or external appearance of extraction or ventilation equipment. This was provided by the appellant at appeal and comprised an internal kitchen extraction and odour control system with a ventilation grille, which would sit directly below the balcony of the first floor flat above.

In respect of odour discharge he Inspector accepted that some restaurants may be located in premises where odour from the activity is unlikely to cause intrusion or where adequate measures can be introduced internally. However, in this case, and given the location of the first floor balcony, the Inspector considered that the use would likely cause significant intrusion

PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/10/2018 AND 31/10/2018

Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
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for anyone wishing to use this space, due to likely odour from cooking fumes. In coming to a view the Inspector considered whether a high standard of amenity for existing and future users, as outlined in the NPPF, could be achieved through the use of planning conditions. In relation to the provision of an alternative means of ventilation and extraction, and notwithstanding the appellant's comments that it was not his intention to provide external measures, the Inspector noted that an external system would be achievable if required. Given the expressed reservations regarding the system proposed by the appellant, the Inspector considered it necessary to require adequate odour control measures to be introduced at the site, which could be secured through a planning condition.

On the issue of waste storage and collection arrangements, the Inspector noted the existing arrangements for the Class A1 use and that a suitable solution could be found for a Class A3 use, which could be secured through a planning condition.

On the issue of potential noise disturbance, the Inspector was satisfied with the hours suggested by the LPA and considered that these could be secured by planning condition.

The Inspector concluded that subject to relevant conditions the proposal would not lead to unacceptable adverse effects with regard to noise and smell and allowed the appeal.

17/03815/FUL	Refusal - Town Planning	31 Leigham Court Road London SW16 2ND	Change of use from Shop (Use Class A1) to a mixed use of Shop (Use Class A1) and Restaurant/Cafe (Use Class A3). (Retrospective)	Delegated Decision	Refuse Permission	31.10.2018	Appeal Dismissed
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The Inspector considered the main issues of this appeal to be (i) the effect of the use on the shopping function of Streatham and (ii) the effect of the use on the living conditions at nearby properties.

On the first issue the Inspector noted there is a lack of detail about the extent of the A1 use currently taking place or proposed to take place within the unit. The inclusion of some retail use and the creation of a mixed use would not bring the property as a whole within the scope of a Class A1 shopping use which Policy PN4 seeks to safeguard. The Inspector considered the first 2 paragraphs of Policy PN4 to be most applicable, namely total % of Class A1 units, 25% threshold of food and drink uses and no more than 2 in 5 consecutive food and drink uses. Interestingly the Inspector noted that there is no methodology set out in the Local Plan for counting the number of units within the Major Town Centre. The Inspector identified a clear conflict with Policy PN4 as less than 60% of units within Streatham Hill Primary Shopping Area are within Class A1. There were no material considerations drawn to his attention that are sufficient to outweigh the non-compliance with the Local Plan. He concluded that the current use, even if it were to incorporate some retail sales, has a harmful effect on the shopping function of Streatham.

On the second issue of impact on residential amenity of neighbouring properties, the Inspector noted the presence of a first floor flat with a garden area to the rear of the site. He noted the appellant's claim that the cooking of hot food was limited, but opined that the appellant could change the nature of the business according to commercial conditions and so there is no guarantee that the same nature of food would be prepared even if they continued to be the operator. He dismissed the option of a personal permission, noting that Planning Practice Guidance confirms that generally such conditions are inappropriate as planning permission runs with the land.

The Inspector acknowledged that planning conditions could potentially be used to limit hours of operation as well as requiring further details of ventilation for the kitchen and seating area. However, he also noted that if cooking resulting in more intense smells were introduced a system would need to extract and filter air as well as disperse it away from the windows of the first floor flat or other residential premises. The Inspector considered that it wasn't clear whether a suitable system could be installed without causing further impacts upon

PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/10/2018 AND 31/10/2018

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neighbouring occupiers or due to the position and appearance of any ducting. On this basis he concluded that the use could have a harmful impact upon the living conditions at nearby properties. The Inspector dismissed the appeal.

17/04161/VOC	Conditions - Town Planning	29 And 31 Leigham Court Road London SW16 2ND	Variation of Condition 3 (use and glazing of door) of planning permission 01/00183/FUL (Replacement of corrugated walls with block rendered walls and formation of two fire escape doors at rear of property.). Granted on 19.07.2001.	Delegated Decision	Refuse Permission	31.10.2018	Appeal Dismissed
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Variation sought:
To amend condition to read: The doors hereby permitted shall only be used for means of escape in an emergency. The door to the rear of 31 Leigham Court Road shall be opened to an angle of 45 degrees from the doorway to allow natural ventilation to take place through the premises.

This appeal relates to an application to vary an existing condition requiring that ground floor fire escape doors to the rear of the premises be obscure glazed and only used as a means of fire escape. The appellant sought to permit the partial opening of the rear door of No. 31 for natural ventilation purposes.

The Inspector considered the main issue to be whether the planning condition is necessary with respect to the living conditions of neighbouring occupiers, with particular reference to sound generated from within the appeal site. . The Inspector noted that allowing the door to be openable would also allow sounds from within the building to emanate outside of the building. He noted the presence of a metal mesh fence with netting on top of it, which separated the appeal site from a garden used by neighbouring occupiers. He opined that the netting did not seem sufficiently robust to retain sounds from the kitchen and there is no evidence that it is sufficient to prevent harmful noise from the kitchen disturbing neighbouring occupiers in their garden. The Inspector considered that the condition is necessary to protect living conditions of the neighbouring occupiers when using the nearby garden area and dismissed the appeal.

18/00014/FUL	Refusal - Town Planning	19 Clapham Common North Side London SW4 0RQ	Erection of a lower ground floor level and part ground floor rear extension and erection of garage building at the end of the rear garden.	Delegated Decision	Refuse Permission	24.10.2018	Mixed Appeal Result
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This is an appeal for planning permission and is referenced as 'Appeal B' in the Inspector's appeal decision. The appeal against the LPA's refusal of Listed Building Consent (ref: 18/00015/LB) is referenced as 'Appeal A' in the Inspector's appeal decision.

PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/10/2018 AND 31/10/2018

Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
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The Inspector considered the main issues of this appeal for refusal of planning permission (Appeal B) to be (i) whether the proposed garage would achieve an acceptable separation distance to neighbouring properties with reference to the development plan and (ii) whether the proposed development and works would preserve the appeal property, a Grade II* Listed Building, or any features of architectural or historical interest that it possesses, and whether it would preserve the setting of that building and the character and appearance of the Clapham Conservation Area.

On the first issue, the Inspector concluded that as the proposed garage in this case would immediately adjoin the side boundaries of the rear garden it would conflict with Policy Q14, which requires a separation distance of at least 1 metre.

On the second issue the Inspector noted that the proposed works would retain the circulation between the dwelling and rear garden; would re-instate the circulation between the polite and functional parts of No19, and thus better reveal its evidential significance; would help the new elements of the proposal to assimilate with its historic fabric; and would not look unduly utilitarian. Whilst the submitted material was considered lacking in constructional detailing, due to the functional appearance and limited scale of the proposed extension, the Inspector considered that any changes could be accommodated and controlled by conditions. It was not considered that maintenance would be onerous and lead to unsightly staining.

The Inspector found the extension would preserve the Listed Building and its special interest, and the character and appearance of the Clapham Conservation Area. In respect of the garage, the Inspector concluded that it would not appear "out of kilter" with surrounds and would preserve the character and appearance of the Conservation Area, and the setting and special interest of the Listed building.

The Inspector went on to reach a split decision. Appeal B was dismissed insofar as it related to the erection garage outbuilding. The appeal was allowed insofar as it relates to the erection of a rear extension and planning permission was granted for the rear extensions to the dwellinghouse.

18/00015/LB	Refusal - Listed Building	19 Clapham Common North Side London SW4 0RQ	Erection of a lower ground floor level and part ground floor rear extension and erection of garage building at the end of the rear garden. Please note: The reference number for this Listed Building Consent application is 18/00015/LB but there is also an associated application for Full Planning Permission related to these works with reference number: 18/00014/FUL)	Delegated Decision	Refuse Permission	24.10.2018	Appeal Allowed
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The Inspector considered the main issues of this appeal for refusal of Listed Building Consent (Appeal A) to be whether the proposed development and works would preserve the appeal property, a Grade II* Listed Building, or any features of architectural or historical interest that it possesses, and whether it would preserve the setting of that building and the character and appearance of the Clapham Conservation Area.

The Inspector noted that the proposed works would retain the circulation between the dwelling and rear garden; would re-instate the circulation between the polite and functional parts of No19, and thus better reveal its evidential significance; would help the new elements of the proposal to assimilate with its historic fabric; and would not look unduly utilitarian. Whilst the submitted material was considered lacking in constructional detailing, due to the functional appearance and limited scale of the proposed extension, the Inspector considered that any changes could be accommodated and controlled by conditions. It was not considered that maintenance would be onerous and lead to unsightly staining.

PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/10/2018 AND 31/10/2018

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The Inspector found the extension would preserve the Listed Building and its special interest, and the character and appearance of the Clapham Conservation Area. In respect of the garage, the Inspector concluded that it would not appear "out of kilter" with surrounds and would preserve the character and appearance of the Conservation Area, and the setting and special interest of the Listed building.

The Inspector went on to allow listed building consent for the erection of a rear extension and the erection of a garage outbuilding at the end of the rear garden.

As detailed above, there was a split decision in relation to Appeal B (full PP).

17/05509/FUL	Refusal - Town Planning	115 Dulwich Road London SE24 ONG	Change of use of the rear of existing retail shop (Use Class A1) to 1-bed residential unit (Use Class C3) and associated works.	Delegated Decision	Refuse Permission	17.10.2018	Appeal Allowed
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The Inspector considered the main issues to be (i) the effect of the proposal on the vitality and viability of the Herne Hill District Centre; (ii) whether the proposal would provide adequate living conditions for future occupiers, with particular regard to outlook; (iii) the effect of the proposal on parking and highway safety; and (iv) whether the proposal makes adequate provision for affordable housing.

On the first issue, the Inspector noted that the proposal would result in a loss of 24.7sq.m (or 47%) of retail floorspace. However, she noted that there wouldn't be a loss of a retail unit or active frontage. She gave weight to a Retail Analysis submitted by the appellant stating that 16 units within the Herne Hill District Centre were of comparable trading size. The Inspector concluded that the proposal would not be detrimental to the viability of the retail unit and vitality of the Herne Hill District Centre.

On the second issue, the Inspector noted that the new residential unit would be formed from the rearmost part of the existing shop and the existing garage to the rear with its entrance on Rymer Street. The Inspector focussed on the issue of outlook and whether the unit was dual aspect. She makes reference to the London Plan definition as a unit with openable windows on two external walls which may be on opposite or adjacent sides of a dwelling. The Inspector gave consideration to a submitted BRE report and the part obscure-glazed nature of some of the windows serving the living room. The Inspector concluded that the outlook for future occupiers would not be oppressive and the proposal would provide adequate living conditions.

On the third issue, the Inspector noted the operating hours of the CPZ allowing for use by future occupants outside of these hours. Noting the availability of parking areas within the street and the 1 bed scale of the unit, the Inspector concluded that insufficient evidence has been provided to justify the development being secured as Car Parking Permit Free.

On the fourth issue, the Inspector gave primacy to the November 2014 Written Ministerial Statement and Paragraph 63 of the NPPF over Local Plan Policy H2. On the basis of the information before her, the Inspector concluded that an affordable housing contribution was not justified.

The Inspector went on to allow the appeal.

PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/10/2018 AND 31/10/2018

Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
17/03274/FUL	Refusal - Town Planning	Telephone Box Outside The London Marriott Hotel, Westminster Bridge Road London	Change of use of telephone kiosk to retail (Use Class A1). (Town Planning and Listed Building Consent 17/03275/LB)	Delegated Decision	Refuse Permission	17.10.2018	Appeal Dismissed

The Inspector considered the main issues of the appeal to be (i) the effect of the proposal on the convenience and safety of the footway and (ii) whether the appeal would preserve the host Grade II Listed phone box and its architectural and historic features, its effect on the Listed County Hall and whether it would preserve and enhance the character and appearance of the South Bank Conservation Area.

On the first issue, the Inspector noted that the footway narrows considerably at the point of the phone boxes and due to the location of traffic columns and pedestrian crossings would create a pinch point. The area has a high footfall and the Inspector noted that Transport for London had advised that there would be an increase in cycle users in this area due to a planned cycle route. Due to the nature of the proposed use, in conjunction with the existing transport implications of the area, the proposal would result in an adverse effect on the convenience of movement of pedestrians and other footway users and have the potential to impact cyclists.

On the second issue, the Inspector noted that the internal fittings of the phone box would be removed and replaced with equipment. The Inspector noted that as this would be located within the telephone box for a long period of time, the height, width and depth of the structure would appear bulky and solid, limiting the visibility and impair the appreciation for the telephone box design. The proposal would fail to preserve the host listed telephone box, the setting of County Hall and the character and appearance of the Conservation Area.

The Inspector outlined that the public benefits proposed as part of the application were not enough to outweigh the harm to the Grade II Listed telephone box.

The Inspector went on to dismiss the appeal.

17/03275/LB	Refusal - Listed Building	Telephone Box Outside The London Marriott Hotel, Westminster Bridge Road London	Change of use of telephone kiosk to retail (Use Class A1). (Town Planning and Listed Building Consent 17/03274/FUL)	Delegated Decision	Refuse Permission	17.10.2018	Appeal Dismissed
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The Inspector considered the main issue of the appeal to be whether the proposal would preserve the host Grade II Listed phone box and its architectural and historic features, its effect

PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/10/2018 AND 31/10/2018

Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
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on the Listed County Hall and whether it would preserve and enhance the character and appearance of the South Bank Conservation Area.

The Inspector noted that the internal fittings of the phone box would be removed and replaced with equipment. The Inspector noted that as this would be located within the telephone box for a long period of time, the height, width and depth of the structure would appear bulky and solid, limiting the visibility and impair the appreciation for the telephone box design. The proposal would fail to preserve the host listed telephone box, the setting of County Hall and the character and appearance of the Conservation Area.

The Inspector outlined that the public benefits proposed as part of the application were not enough to outweigh the harm to the Grade II Listed telephone box.

The Inspector went on to dismiss the appeal.

18/00089/FUL	Refusal - Town Planning	177B Lyham Road London SW2 5PY	Erection of a mansard roof extension over existing 2 storey dwelling house and alteration to fenestration including the installation of a single storey front extension at ground floor front level.	Delegated Decision	Refuse Permission	05.10.2018	Mixed Appeal Result
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The appeal pertains to a proposal for a mansard roof extension and an addition of a bay window extension to front elevation at ground floor. The Inspector shared the LPA's view that an addition of bay window to the front elevation on the ground floor is acceptable, noting that this did not form part of the LPA's reasons for refusal.

The Inspector considered the main issues of this appeal to be (i) the effect of the proposed roof extension on the character and appearance of the area, and (ii) the effect on the living conditions of the occupiers of the adjacent residential properties and users of the Prince of Wales Public House with regards to outlook and sense of enclosure.

On the first issue the Inspector noted the considerable scale and bulk would give the dwelling an awkward top-heavy appearance, and that the proposal would introduce a discordant element that would be visually intrusive in the local area even among the varied built form within it. The Inspector concluded that the proposed mansard roof extension would materially harm the character and appearance of the local area due to the specific relationship between the proposal and the host building and the adjacent terrace.

On the second issue the Inspector noted that neither the scale, design, position nor bulk of the proposed extension, would cause it to unduly heighten a sense of enclosure nor unacceptably dominate outlook. The potential for overlooking from the new rear-facing windows could be overcome by the obscure glass and dealt with by a condition. The proposal would not materially harm the living conditions of the occupiers of adjacent properties or adversely affect users of the Prince Wales Public House, which is alluded to in the appellant's BRE Daylight and Sunlight Report.

The Inspector issued a mixed (split) decision that grants planning permission solely for an addition of bay window to the front elevation on the ground floor, and dismissed the appeal for the addition of mansard roof extension.

18/01374/FUL	Refusal - Town Planning	62 Briarwood Road London	Erection of a rear dormer roof extension with a Juliette balcony and the installation of three roof	Delegated Decision	Refuse Permission	24.10.2018	Appeal Allowed
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PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/10/2018 AND 31/10/2018

Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
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SW4 9PX lights to the front slope

The Inspector considered the main issue to be the impact of the proposed roof level works on the character and appearance of the site and its surroundings.

In relation to the proposed dormer and Juliette balcony, the Inspector noted that the proposed dormer would not fully accord with the detailed requirements of Policy Q11(k) or the adopted SPD. However, given the very limited public and private views of the rear of the appeal building and the proposed dormer in this case, the rear dormer would not have a significant adverse effect on the character and appearance of the appeal site and its surroundings. The Inspector therefore attached limited weight to the conflict with Policy Q11(k) and the SPD in this instance, since the proposed dormer would comply with the requirements of Policies Q2 and Q5, which state, amongst other things, that development will be supported if visual amenity from adjoining sites and from the public realm is not unacceptably compromised.. As Policies Q2 and Q5 place development in its wider context, the Inspector give those policies greater weight, and found the proposal to be in accordance with the development plan as a whole, notwithstanding some conflict with the detail of Policy Q11(k).

In relation to the three proposed roof lights, the Inspector noted that one would be smaller than the others, but the lower edges of all three would be aligned. The rooflights would not directly align with the windows below. The Inspector observed existing rooflights, of differing sizes, on the front of numerous other properties in the same terrace, and some variety in the arrangement and positioning of those existing rooflights on their respective roof slopes at present. The Inspector concluded that the proposed rooflights would not detract from the character and appearance of the front roof slope of the property, or from that of the terrace as a whole.

The Inspector allowed the appeal.

17/06102/FUL	Refusal - Town Planning	Land Rear Of 42 And 44 Angles Road London SW16	Erection of a 2 bedroom dwelling at basement and ground floor level with a green roof.	Delegated Decision	Refuse Permission	22.10.2018	Appeal Dismissed
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The Inspector considered the main issues of the appeal to be (i) the effect of the proposal on the character and appearance of the area including the setting of the Sunnyhill Road Conservation Area; (ii) whether the proposal provided adequate living conditions and (iii) whether the proposal made adequate provision for affordable housing.

On the first issue the Inspector noted that the surrounding area is predominantly residential and characterised by linear development with landlocked rear gardens. The proposal would diminish the spacious character of the site and is at odds with the prevailing pattern of development in the locality. The proposed dwelling would appear disproportionate to the neighbouring properties and would be an incongruous and visually jarring development that would fail to integrate with the street scene. The Inspector concluded that the proposal would harm the character and appearance of the area including the setting of the Sunnyhill Road Conservation Area. The harm to the setting would not be outweighed by public benefits.

On the second issue, the Inspector noted that Policy H5 requires new developments to provide 30sq.m of amenity space for a new dwelling. The proposal refused by the LPA had approx. 50sqm of amenity space to the front and side garden area, which the Inspector acknowledged '*would not be private space and would therefore unlikely be used or valued by future occupiers*'. As part of the appeal documents the appellant introduced a further 13sqm of amenity space to the side of the proposed dwelling, which would be screened from the road

PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/10/2018 AND 31/10/2018

Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
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frontage behind a 1.7m fence running adjacent to the front building line. The Inspector considered this outdoor amenity space would provide adequate living conditions and a good standard of amenity for future occupiers.

On the third issue, the Inspector noted that the Council had not provided the Inspector with the correct affordable housing policies and documents to justify the refusal reason. The Inspector concluded that an affordable housing contribution was not necessary to make the development acceptable.

Overall, the Inspector found that whilst the proposal would have adequate living conditions and an affordable housing contribution was not necessary, this would not outweigh the harm to the character and appearance of the setting of the area and the Sunnyhill Road Conservation Area. The Inspector dismissed the appeal.

17/06119/FUL	Refusal - Town Planning	34 Kepler Road London SW4 7PQ	Creation of roof terrace at second floor level, installation of rear door to terrace and 1 rooflight (first floor flat). (Amended Description)	Delegated Decision	Refuse Permission	18.10.2018	Appeal Dismissed
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The Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the appeal site and its surroundings.

The Inspector noted that much of the terrace works would be screened from the public realm; however the balustrades and side of the roof terrace rear would extend above the rear extension parapet and would be visible despite the use of glazing. The access door required would be appear disproportionately wide in comparison to the original fenestration and detailing of the host building and would be highly visible from direct views of the rear elevation from Plato Road. The Inspector noted terraces and balustrades on recently-constructed flats near the site; however these are integral to the design and make-up of the modern building. The Inspector concluded that the resulting harm would not be outweighed by the benefit to occupiers of the application dwelling.

The Inspector went on to dismiss the appeal.

18/00017/FUL	Refusal - Town Planning	83 Elm Park London SW2 2TZ	Erection of a ground floor single storey rear and side infill extension involving the removal of an external stair.	Delegated Decision	Refuse Permission	17.10.2018	Appeal Dismissed
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The Inspector considered the main issues to be (i) the effect of the proposed development on the character and appearance of the appeal site and its surroundings, including Rush Common Brixton Hill Conservation Area, (ii) the effect of the proposed development on the living conditions of the occupants of 85 Elm Park with regard to outlook and light.

On the first issue the Inspector noted 'due to the height of the boundary wall between Leander Road and the end garden in the terrace, and the position of a large tree within that garden, views of the proposed extension are limited. Given the proposed use of matching materials, the proposed extension would not appear as an unduly prominent or discordant feature in

PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/10/2018 AND 31/10/2018

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--------------	-------------	---------	----------	---------------	------------------------	---------------	-----------------

relation to the existing building, or in wider views from the CA. The character and appearance of the CA would therefore be preserved'.

On the second issue it was considered that outlook from the lower ground floor side window of No 85 is already limited to some degree by the appeal buildings existing rear projection. As a result of its height, its proximity to this neighbouring window and adjacent garden, and its significant projection along the boundary, the proposed extension would appear as an oppressive feature, and would create a significant sense of enclosure to this neighbouring side window and adjacent garden area. The proposal would therefore conflict with Policy Q2.

The Inspector went on to dismiss the appeal on the second issue.

17/05960/ADV	Refusal - Advert	179 - 181 Stockwell Road London SW9 9SJ	Removal of the existing wall mounted display and the installation of 1 internally illuminated digital advertisement.	Delegated Decision	Refuse Permission	18.10.2018	Appeal Allowed
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The Inspector considered the main issue to be the effect of the proposed advertisement on amenity in terms of the character and appearance of its host building and surroundings.

The Inspector acknowledged that the advertisement would be visually prominent due to the setback from the road and low-level surrounding land uses. However the Inspector went on to note that the appeal scheme would be located within a commercial area with shop fasciae, illuminated advertising and both illuminated traffic lamps and street lights. Consideration was given to the existing illuminated street paraphernalia, the large proportions of the visually poor host wall compared to the advert and design of the proposed advertisement, which would be sleeker than the existing. The Inspector concluded that the proposal would not harm the character and appearance of the host building and surrounding Brixton Conservation Area if brightness levels are limited.

Although no objection was posed by TfL or LB Lambeth Transport Planners, the Inspector also concluded that the advertisement would not pose a safety threat to motorists as brightness levels and the display of content are regulated through conditions. The Inspector went on to allow the appeal and imposed three additional conditions to the five standard conditions. These relate to (i) intensity of illumination, (ii) restriction on moving images and (iii) frequency of change of advertisements to no more than once every 15 seconds.

17/05428/VOC	Conditions - Town Planning	24 Lancaster Avenue London SE27 9DZ	Variation of Condition 2 (approved plans) of planning permission 16/06626/FUL (Creation of front and rear lightwells, reconfiguration of basement, together with alterations creating access to rear garden) granted 19.01.2017 Amendment sought: to change the window on the front elevation at basement level to door	Delegated Decision	Refuse Permission	10.10.2018	Appeal Allowed
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PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/10/2018 AND 31/10/2018

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The Inspector considered the main issue to be the effect of varying the condition on the character and appearance of the host property and the Lancaster Avenue Conservation Area. The condition in question is condition 2 of planning permission 16/06626/FUL. The proposal sought to replace the proposed front part of the basement level bay window with a pair of French doors, which would include an excavation from 1.6m to 2.4m.

The Inspector noted the lightwell floor area would remain unchanged, despite the increase in depth, and the metal grille would provide some screening, concluding that the lightwell and the French door would not be discernable from the public realm. Consequently, the Inspector found the proposal to have a neutral impact on the Lancaster Avenue Conservation area in comparison to the previously approved plans.

The Inspector went on to allow the appeal.

18/00734/ADV	Refusal - Advert	Adverts On Vauxhall Cross Railway Bridge London	Display of internally illuminated hoarding sign with L.E.D lighting displaying digital images.	Delegated Decision	Refuse Permission	10.10.2018	Appeal Allowed
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The Inspector considered the main issue to be the effect of the proposed advertisement on the visual amenity of the area.

The Inspector noted the existing neon tube internally illuminated 96 sheet advertising display, busy and vibrant thoroughfare location, which has a variety of street furniture, and the adjacent locally listed Vauxhall Station. The Inspector stated that advertisements are commonplace, including above railway arches in the local area. The cosmetic improvements surrounding the panel are seen as an improvement. The key alteration would be the method of illumination.

The Inspector concluded that as the advertisement would have the same scale as the existing, would be restricted from moving images and would have a limited brightness, which the existing advert installation does not, the proposal would not appear more prominent and would have a neutral impact on the Vauxhall Conservation Area and locally listed Vauxhall Station.

The Inspector went on to allow the appeal.

18/00290/ADV	Refusal - Advert	Plot Site Of 285 Streatham High Road London SW16 3NP	Display of 2 internally illuminated (6m by 3m) digital LED display advertisements (to replace single existing internally illuminated 96-sheet (12m by 3m) advertisement).	Delegated Decision	Refuse Permission	16.10.2018	Appeal Dismissed
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The Inspector considered the main issue of this appeal to be the effect of the proposed advertisement on the visual amenity of the area.

PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/10/2018 AND 31/10/2018

Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
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The Inspector noted that the appeal site is currently occupied by a 96 sheet advertisement panel facing south west which benefits from deemed consent. Express consent was granted in 2015 for its replacement with an LED display advertisement hoarding of the same size. The appeal scheme would replace the existing 96 sheet advertisement with an internally illuminated 48 sheet LED digital display plus an additional 48 sheet LED digital display facing north west.

The Inspector noted that the appeal scheme would replace the existing 96 sheet advertisement with an internally illuminated 48 sheet LED digital display plus an additional 48 sheet LED digital display facing north west. The Inspector noted that there are range of advertisements in the area and considered that an additional advertisement facing north west would contribute to the proliferation of adverts in the locality and consequently result in visual clutter. The Inspector concluded that the proposal would have a detrimental impact on the character and appearance of the area including the setting of the Streatham Common Conservation Area and the Grade II and locally listed buildings. The Inspector dismissed the appeal.

18/00294/FUL	Refusal - Town Planning	56 Hanover Gardens London SE11 5TN	Removal of existing two storey rear return extension and erection of larger two storey rear extension.	Delegated Decision	Refuse Permission	12.10.2018	Appeal Dismissed
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The Inspector considered the main issue to be the effect of the proposed development on the living conditions of the occupants of 57 Hanover Gardens in relation to light and outlook.

The Inspector noted that given the extensions proximity to the lower floor windows and adjacent garden area to the rear of no 57, it would appear as an unduly dominant feature, which would further constrain the already limited outlook from those areas to an unacceptable degree. The overall scale and depth would be clearly evident from the rear garden of no 57 and create an unacceptable sense of enclosure. The proposal would therefore conflict with policy Q2 of the Local Plan and the NPPF.

The Inspector did not consider that the extension would harm the character or appearance of the St Marks Conservation Area. The visibility of the rear elevation is negligible and other properties in the terrace have rear projections with varying designs of such features. The extension would remain subservient in height to the main building and the timber-clad walls would have a simple contrast to the larger host building, which would remain the dominant element.

The Inspector also noted that any further reduction in daylight to this area would be localised and limited to the context of the shading already arising from existing structures. The development therefore would not have a significant adverse effect on the levels of light to no 57.

	Allowed	Dismissed	Mixed
Month total	8	9	2
Financial year to date	36	53	3