

PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/05/2019 AND 31/05/2019

Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
17/02347/FUL	Refusal - Town Planning	25 Eastlake Road London SE5 9QJ	Conversion of lower and ground floor (Flat 1) to provide 2 self-contained flats, together with a lower ground floor rear extension. [APPEAL A]	Delegated Decision	Refuse Permission	09.05.2019	Appeal Dismissed
18/01235/FUL	Refusal - Town Planning	25 Eastlake Road London SE5 9QJ	Conversion of the lower and upper ground floor 3-bed self-contained unit to provide 2 flats; a 3 bed/4 person unit at lower ground floor level and a 1-bed/1 person unit at upper ground floor level. Involving the erection of a part single/part 2-storey rear extension at lower ground and ground floor level with associated refuse and bike storage shed. [APPEAL B]	Delegated Decision	Refuse Permission	09.05.2019	Appeal Dismissed

There were two appeals for this site considered within the appeal decision. Both appeals sought the conversion of the existing 3-bed flat which occupies the basement and ground floor levels into 2 self-contained flats. They differ in terms of the proposed physical alterations to the existing building and its internal configuration.

The Inspector considered the main issues in both appeals to be the effect of the proposed development on (i) the character and appearance of the area, (ii) the living conditions of future occupiers with respect to the adequacy of proposed internal spaces and outlook, and (iii) on-street parking and the operation of the local highway network.

On the first issue the Inspector noted that the host building is part of a fine terrace of substantial houses and a strong characteristic of the dwellings on this part of the street is the striking degree of uniformity in their design, scale and detailing as well as the building lines both to the front and rear of the properties. It was also noted that the host property has a modest, stepped rear return. The Inspector considered that the lower ground floor rear extension would represent a deep and substantial rear extension to the property. Whilst not open to extensive public views from the street, the Inspector noted that the rear of No. 25 is visible from other occupiers of the building and neighbouring occupiers including those to the rear. Appeal B also included an extension and proposed roof terrace on the roof of the lower ground floor extension which the Inspector considered to add overall massing and bulk to that addition. The Inspector concluded that the proposals would conflict with Lambeth Local Plan (LLP) Policy Q11. This is because the policy requires extensions to buildings to positively respond to the original architecture of the host building and to be subordinate in terms of avoidance of dominating the host building.

On the second issue concerning the living conditions of future occupiers, the Inspector considered the layout in Appeal A to be impractical noting that access to the rear amenity space would be though one of the bedrooms and that the combined kitchen/living/dining area would be in a constrained area. Furthermore, one of the bedrooms would be served by a north-eastern facing window with a view into a constricted lightwell area resulting in an oppressive sense of enclosure with inadequate outlook towards the sky. In addition the Inspector referred to the National Described Space Standards (NDSS) noting that it required the provision of built-in storage which was not shown on the submitted plans and stated that the failure to provide for the necessary domestic storage in a family home would compound the harm of an awkward and constrained layout. The Inspector further noted that the proposal would

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fail to meet the minimum floor to ceiling height of 2.3m.

In the case of Appeal B, the Inspector noted that the configuration of the flat is such that bedrooms 2 and 3 on the lower ground floor would derive their daylight and outlook from windows which would face onto a courtyard with very limited views of the sky. Consequently, the degree of outlook available to both these bedrooms would give rise to a particularly oppressive and harmful environment.

The Inspector concluded that both proposal would provide a poor standard of accommodation at lower ground floor level with respect to outlook from certain bedroom windows. Furthermore, the proposed lower ground floor flat in both appeals would also fail to achieve adequate floor to ceiling heights for a sufficient proportion of the accommodation. Both proposals would therefore conflict with LLP Policy H5 which requires new residential development, including conversions, to accord with principle of good design in upholding housing standards.

With regards to the safe operation of the surrounding highway the Inspector considered that the developments should be car-free, however the appellant did not present a legal document to secure this. The Inspector concluded that in the absence of a suitable mechanism to ensure a car free development that the appeals should also fail on this ground.

The Inspector went on to dismiss both appeals.

17/04927/FUL	Refusal - Town Planning	Adjacent To Lambeth North Station Baylis Road, London SE1	Removal of 2 existing BT telephone kiosk and replacement with 1 InLink kiosk.	Delegated Decision	Refuse Permission	23.05.2019	Appeal Allowed
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The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the street scene of Baylis Road, including any effect on the setting of the Lower Marsh Conservation Area (LMCA) and the approach to/vantage points of the locally listed building (Lambeth North Underground Station).

The Inspector noted on a site visit that the site of the proposed kiosk coincides with a change in the character and appearance of Baylis Road from mainly residential to commercial. It is also within close proximity of a major road junction. The pavement width is substantial and adjoins the large, stark rendered flank wall of Lambeth North Underground Station, which is not read with its more attractive and locally listed entrance.

The Inspector considered that the ratio of street furniture to pavement space is not such as to amount to harmful clutter. Given its slender form, set within an extensive area of pavement and the context of a part of Baylis Road dominated by the Underground Station and large commercial buildings, it was considered that the kiosk would not be a harmful addition to the existing street furniture or lead to an increased perception of unacceptable clutter. The kiosk would align with the street furniture closest to the highway and thereby avoid becoming a harmful additional obstruction to pedestrian movement. In addition, the presence of street trees would have a mitigating effect on the combined visual impact of the various structures.

As the Inspector considered the kiosk to be in keeping with the existing character and appearance of this part of Baylis Road, it was concluded that the setting of the LMCA would not be adversely affected. The Inspector acknowledged a number of benefits of the proposed kiosk, as outlined in the officer delegated report and took account of the enhancement of the street scene of a section of Westminster Bridge Road, through the removal of two existing phone kiosks as part of the application.

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The Inspector went on to allow the appeal. This included a condition to require the removal of the two kiosks in Westminster Bridge Road within three months of development commencing.

17/04928/ADV	Refusal - Advert	Adjacent To Lambeth North Station Baylis Road, London, SE1	Display of an externally illuminated 2 digital screen in 1 InLink kiosk	Delegated Decision	Refuse Permission	23.05.2019	Appeal Allowed
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The Inspector considered the main issue to be the effect of the proposed advertisements (digital screens) on the visual amenity of the Baylis Road street scene, including the setting of the Lower Marsh Conservation Area and the approach to/vantage points of the locally listed building.

The Inspector noted that the character and appearance of this part of Baylis Road to be one of large commercial buildings and a significant transport interchange, featuring an important traffic junction, a number of bus routes and the Lambeth North Underground Station, where passers-by would reasonably expect to see a range of street furniture, including digital advertising. The Inspector observed that the kiosk would be a unit of modern and slender design with the images seen in that context. Overall, it was concluded that there would be no harm caused to visual amenity, including the setting of the conservation area and to the locally listed entrance to the station.

The Inspector considered paragraph 132 of the National Planning Policy Framework 2018 which states that the quality and character of places can suffer when advertisements are poorly sited and designed. It was concluded that this would not be the case in respect of the appeal proposal.

The Inspector also considered Policies Q5, Q6, Q17, Q19 & Q22 of the Lambeth Local Plan 2015 which between them seek to regulate advertisements to safeguard amenity and highway safety, and additionally to safeguard local distinctiveness, the quality of the public realm, and conservation areas. It was concluded that the proposal would not harm amenity and the proposal would not conflict with these policies.

The Inspector went on to grant express consent for the display of the externally illuminated digital screens as an integral part of the telephone kiosk.

18/01282/FUL	Refusal - Town Planning	59-61 Westow Hill London SE19 1TS	Installation of new shopfront (Retrospective).	Delegated Decision	Refuse Permission	24.05.2019	Appeal Allowed
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This appeal was made against a refusal to grant planning permission. The Inspector considered the main issue of this appeal to be whether the development preserves or enhances the character and appearance of the Westow Hill Conservation Area.

The Council refused retrospective permission for the new shopfront on the basis that its design does not reflect the architecture of the host and adjacent buildings and that the signage, in particular, harms the appearance of the host building and wider conservation area. The Inspector noted from the site visit that the host building would have originally been a separate building within the terrace from the adjoining three-storey end of terrace building. It was observed that the stallriser has been constructed in line with the rendered plinth of the adjacent building, rather the window cills which was the Council's preference. Given the distance between the windows of the two buildings, and minimal height difference between the cill height and plinth height, the Inspector considered this to be an acceptable design response. It was further considered that aligning the top of the cornice with the top of the neighbouring string

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course pays regard to the adjacent building and marks the line between the fascia and the floor above as required by Council policy. The plain block render has been retained to match the adjacent building. The Inspector noted that the different coloured paint serves to distinguish the two buildings and similarly dark colours have been used on other shopfronts within the Conservation Area. It was considered that careful detailing had clearly improved the design of the building and contributed to local distinctiveness thus protecting the character and enhancing the appearance of the Conservation Area.

The Inspector went on to allow the appeal.

18/01283/ADV	Refusal - Advert	59-61 Westow Hill London, SE19 1TS	Display of an externally illuminated fascia sign and hanging sign to the front elevation. (Retrospective)	Delegated Decision	Refuse Permission	24.05.2019	Appeal Allowed
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This appeal was made against a refusal to grant express consent for the display of an externally illuminated fascia sign and hanging sign to the front elevation. The Inspector considered the main issue to be the effect of the advertisements on the visual amenity of the area.

The inspector noted that the fascia sign fills the gap between the canopy moulding and the top of the windows and, whilst exceeding the requirement in LLP Policy Q17 in that it should not noticeably be more than one-fifth of the ground floor height, it does not appear top heavy or unduly dominant. The background colour matches that of the building. Steel lettering over a dark background are used on the fascia of other shops within the vicinity and as such are not out of character. As a result, the Inspector determined that fascia sign integrates well with the shop front and contributes positively to the local scene as required by the policy.

The Inspector went on to note that the projecting trough light only extends across the width of the lettering, rather than the whole fascia. It avoids the clutter that results from individual projecting lamps and the harm caused by internally illuminated signs. It provides discreet, subdued lighting without overly dominant fittings in accordance with LLP Policy Q17. The projecting sign exceeds the maximum width stipulated in LLP Policy Q17 by 50 millimetres. However, it falls well within the height requirements, the background colour matches that of the building and the fascia sign, as does the font style, and it appears as a discrete addition that integrates well with the building. Visual clutter is avoided by restricting the signage to one fascia sign and one projecting sign as required by the policy. The inspector went on to allow the appeal.

18/02239/FUL	Refusal - Town Planning	8 Greyhound Lane London, SW16 5SD	Erection of mansard roof extension to create 1x 1-bedroom flat at third-floor level with rear roof terrace.	Delegated Decision	Refuse Permission	08.05.2019	Appeal Dismissed
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The appeal seeks permission to make amendments to a previously approved mansard roof extension (application ref: 18/00389/FUL) and its use as a one bedroom flat with a rear roof terrace. The Inspector considered the main issues to be (i) whether it is appropriate for the development to make a contribution to affordable housing ('AH') in the Borough, and (ii) whether the development should be 'car free'.

On the first issue, the Inspector supported the Council's reservations as to the quality and quantity of information submitted to demonstrate that a contribution could not be made. The appellants did not seek to justify the content and findings of their viability appraisal, but to argue that the relevant Local Plan Policy (H2(ii)(a)) had been superseded by the revised NPPF. The revised NPPF advises that AH should not be sought for development below the 'major' threshold (10 or more homes). The Inspector observed that, whilst the NPPF is a material consideration, recent evidence submitted with the appeal statement demonstrates the 'enabling contribution' of small sites to the urgent, local need for affordable housing which H2 was

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adopted to address.

The appellant argued that the emerging partial review of the Lambeth Local Plan, which (at the time) proposed to remove the AH requirement for small sites, supports the appellant's case that Local Policy had been superseded. The Inspector concluded that the partial review must progress beyond its current early stage before this part of the policy ceases to apply; and that it had not been demonstrated that an AH contribution cannot or should not be made.

On the second issue, the Inspector noted that the appeal site is not currently within or near a controlled parking zone (CPZ). However, from the Council's evidence in its appeal statement and site visit observations, the Inspector regarded the existing parking stress in the area and the PTAL score in combination to clearly justify the application of the relevant parts of Lambeth Local Plan Policies D4 and T7 through the requirement for a car free development if and when justified.

The Inspector went on to dismiss the appeal.

18/03033/FUL	Refusal - Town Planning	4 Chelsham Road London, SW4 6NP	Excavation and enlargement of existing basement with the formation of a front and rear lightwells together with the erection of a single storey ground floor rear and side infill extension.	Delegated Decision	Refuse Permission	02.05.2019	Appeal Allowed
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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 host property and the Sibella Road Conservation Area (SRCA).

The local planning authority had refused the application on the basis that the proposed ground floor (wrap-around) rear extension, through its overall size, form, bulk and detailed design, would dominate the rear elevation of the host dwelling, failing to achieve subordination to it. As such, officers considered that the proposal would not adequately respect the original character of the host building and neighbouring properties, thereby failing to preserve the character and appearance of the Sibella Road Conservation Area.

In considering the appeal proposal the Inspector noted the appeal site's contextual relationship with adjoining properties at Nos. 2 and 6 Chelsham Road. The Inspector also observed at the site visit that other properties along the terrace had been extended at the rear, as well as on the side return.

The Inspector considered the massing and footprint of the proposed rear extension to be modest, which was reflected in its low eaves height (2.4m) and lean to roof, the ridge of which would extend to just below the window cill of the first-floor windows on the outrigger. As a consequence, the proposal would not dominate or overwhelm the host property. The Inspector further noted that the upper part of the outrigger and the upper three floors of the host property would retain the original form and character.

The Inspector observed that the proposed extension would be visible from the upper floors of the rears of neighbouring properties. However, it was considered that these views would be limited by existing screening and garden buildings. In some cases the views would also be from an oblique angle. As a result, the Inspector decided that any visual impact would not be harmful.

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The Inspector noted the conflict with paragraph 3.11 of the Council's Buildings Alterations and Extensions SPD, which requires infill and rear extensions to be set back from the corner of the original rear return in conservation areas. Whilst there would be conflict with this aspect of the SPD, the Inspector did not consider it to be material or significant, as the SPD should be applied with a degree of flexibility and with regard to the individual circumstances of the case.

The Inspector concluded that the proposed single storey side and rear extension and enlargement of the basement would preserve the character and appearance of the SRCA and would not materially conflict with Policies Q5 (Local distinctiveness), Q11 (Building alterations & extensions) and Q22 (Conservation Areas) of the Lambeth Local Plan 2015.

The Inspector went on to allow the appeal.

18/02721/P3M	Refusal - Town Planning	110 Greyhound Lane London SW16 5RN	Prior approval for the change of use of basement and ground floor from Financial and Professional Services (Use Class C2) to Residential (Use Class C3) together with associated work to ground floor windows and doors.	Delegated Decision	Prior Approval Refused	20.05.2019	Appeal Allowed
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As a preliminary matter the Inspector noted that the proposed plans had been amended to omit the basement area, with change of use only sought at part ground floor level and no longer at basement level.

The Inspector considered the key issues in this prior approval application to be the effect of the proposal on (i) the provision of retail and service provision within the designated Streatham High Road/Greyhound Lane Local Centre, and (ii) whether the proposal should be 'car free'.

On the first issue the Inspector noted that the proposed layout would supply a commercial unit (ground floor and basement) of a size attractive to a diverse range of potential users. As a result it was concluded that the development would not lead to a harmful impact on the sustainability of the local centre. Of interest is the Inspector's comments that development plan policies pertaining to protection of retail uses are not a material consideration in this instance as the appeal does not relate to an application for planning permission. Planning permission is granted instead for the change of use by virtue of the General Permitted Development Order.

On the second issue, based upon the information presented the Inspector considered that the highways and transportation impacts of the development would be acceptable without the need for a planning obligation to secure car free development.

The Inspector went on to allow the appeal.

18/03647/FUL	Refusal - Town Planning	24 Mackie Road London SW2 2EB	Retrospective application for the conversion of existing single dwelling house into 2x3 bedroom self-contained flats including proposed alterations to the existing single storey extension at ground floor level, replacement of existing window with French doors and formation of a	Delegated Decision	Refuse Permission	22.05.2019	Appeal Dismissed
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roof terrace to the rear elevation at first floor level and provision of refuse and cycle storage.

The Inspector considered the main issues of this appeal to be (i) the acceptability of the conversion of the single family dwellinghouse into two self-contained flats, with particular regard to local policy constraints; (ii) the proposal's effect on the character and appearance of the host property and its surrounding area; (iii) the effect on the living conditions of neighbouring occupiers at No 22; (iv) the impact on the Council's objectives of promoting sustainable travel, with particular regard to its objectives of car free development; and (v) whether the proposal should provide a contribution towards affordable housing.

It should be noted that the appeal was retrospective and all works had been carried out at the time of determination

On the first issue the Inspector noted that when strictly applying LLP Policy H6 the property is considered unsuitable for conversion to residential flats as the original dwelling is below 150sqm. This threshold is in place to ensure mixed and balanced communities with a choice of family sized housing. In this instance the conversion would result in two, 3-bed, self-contained flats, and this would thereby provide new units of family sized accommodation. Furthermore, LLP Policy H1 serves to ensure that housing is a priority land use within the borough and thereby looks to maximise housing growth. Given the retrospective nature of the application, the Inspector observed the standard of accommodation at the site visit. He was satisfied that, subject to the other elements of the proposal being acceptable, the conversion layout would provide an acceptable form of development. As such, on balance, the Inspector concluded that the development would not compromise the objectives of Policy H5 and H6, and would not be harmful in this regard.

On the second issue the Inspector noted although the rear extension is different from that permitted under permitted development, the extension's height, depth and roof pitch, plus the limited section of flat roof does not detract from the property's appearance. The original dwellings of the terrace have been significantly altered and, in this context, the appeal dwelling blends into the streetscene, as visible from Estoria Close. As such, the proposal is not harmful to the character and appearance of the host property or its surrounding area.

On the third issue the Inspector noted that the Council raised concerns as to the effects of the extension's pitched roof and flat roof sections on the occupiers of the adjoining property at No 22. The flat roof has been constructed to allow for the provision of a roof terrace. Given the properties relative orientations, whereby the application site sits immediately to the south of No 22, due to significantly height and solidity of the extension's side wall, the Inspector considered that an overbearing sense of enclosure results to the detriment of the neighbouring occupiers. The roof terrace sits below the parapet wall and the Inspector noted that the appellant is proposing that a glazed screen be installed to preclude overlooking of No 22's rear garden. However, given that the existing parapet wall effectively compounds the impact of the extension's height, the issue of overlooking becomes a secondary consideration. As such, the development is harmful to the living conditions of neighbouring occupiers.

On the fourth issue the Inspector noted that the appellant had drawn his attention to the property's rear garage and the claim that he (the occupier) already holds a single parking permit. Accordingly, the appellant disputes the Council's requirement that a planning obligation is necessary to ensure that no additional permits can be applied for future occupiers. The Inspector noted the distinct possibility that 3-bed units would generate more than one car. The Inspector also noted that Policy H6 states that no additional parking permits will be issued to any occupiers of additional housing units created through conversions in areas of high parking stress. As such, the Inspector was satisfied as to the need for a planning obligation to restrict the potential use of the private motor vehicle and to secure the Council's position. In the absence of such, the proposal would be harmful to the Council's policies.

On the fifth issue of whether the development should make a contribution towards affordable housing, the Inspector noted that Policy H2 is at odds with paragraph 63 of the NPPF.

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However, the Inspector also stated that in the circumstances, given that he was dismissing the appeal on other substantive issues, it was not necessary to explore this matter further and balance out the conflict between local policy and national advice in relation to the proposal at issue.

The Inspector went on to dismiss the appeal for the aforementioned reasons.

18/03136/FUL	Refusal - Town Planning	27 Bromell's Road London SW4 0BN	Erection of single storey rear extension to a ground floor flat.	Delegated Decision	Refuse Permission	29.05.2019	Appeal Allowed
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This appeal decision follows on from an earlier dismissed appeal in April 2019 (application ref: 18/00578/FUL) for a wraparound extension at the appeal site. The previously proposed extension would be located to the side and rear of the rear projecting element of the property (the outrigger), thereby presenting as a full width extension. This current appeal relates to a proposal for a 3m deep rear extension only, with the extension to the side of the property omitted. The Inspector comments that it "is a much modified proposal of a previous larger extension".

The Inspector considered the main issues of this appeal to be (i) the effect of the proposed extension on the character and appearance of the host building and the Clapham Conservation Area, and (ii) the effect on the living conditions of the occupiers of the adjoining property at No. 29 as regards outlook and light.

On the first issue, the local planning authority considered that the extension was not subordinate due to a lack of a set back from the corner of the outrigger (as per policy guidance). The Inspector took the view that the modest size of the extension would be very clearly subordinate to both the outrigger and the main building of which it forms part. In respect of the SPD preference for a modest set-back from the corner of the outrigger wall, the Inspector took the view that the set back is a design issue, and should not prevent the granting of planning permission - especially as the most prominent feature in the outrigger is the bay window located to the side of the outrigger.

On the second issue, officers considered that there would be an unacceptable impact on the window to the neighbouring property - using specific guidance from BRE to help with assessment in relation to daylight and sunlight. The Inspector took the view that there was already a structure in place to the neighbouring garden immediately adjacent to the proposed extension, and that the room with the affected window also has a large bay window - and this is the main source of light to the room. Furthermore, whilst the BRE tests are indicative of impacts of daylight, they should be taken in context and considered in relation to aspect and situation (specifically stating the northern orientation of the gardens). Consequently, the Inspector took the view that the impacts on the neighbouring property would not be sufficient to withhold planning permission, and that subject to conditions the development is acceptable.

The Inspector went on to allow the appeal.

18/01466/FUL	Refusal - Town Planning	Land Rear Of 560 Wandsworth Road London SW8	Demolition of wall and gate and erection of a new single storey garage for one car with solar panels on proposed roof slope (fronting Newby Street).	Delegated Decision	Refuse Permission	29.05.2019	Appeal Dismissed
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The Inspector considered the main issues to be (i) the effect of the proposed garage on the character and appearance of its immediate surroundings and the Wandsworth Road Conservation Area (WRCA) and (ii) the effect on the living conditions of the neighbouring occupiers of No. 560 Wandsworth Road with regard to outlook.

On the first issue the Inspector noted the appeal site lies within a mainly open area between the rear of houses on the north west side of Wandsworth Road and the flank of the terrace of dwellings in Newby Road. The site has an open character and there is a discernible slope on Newby Road, which gives the site a prominence in public views. The Inspector commented that this prominence, together with the very limited site area (27 sqm) and the uniformity of the immediate context, comprise a potentially significant constraint on the site and appearance of any form of development.

The proposed garage was considered to be in marked contrast with the surrounding context of two storey, brick-finished terraced houses. The Inspector concluded that the proposed garage would have a harmful effect on the character and appearance of its surroundings and the WRCA by reason of a combination of its scale, design and materials (cedarwood cladding).

On the second issue the Inspector concluded that given the distance from openings and other surrounding features, the proposal would not have an unacceptable amenity impact upon the outlook from the immediate neighbouring property at No. 560 Wandsworth Road

However, this would not outweigh the finding on the first issue and as such, the appeal was therefore dismissed.

18/02451/FUL	Refusal - Town Planning	7-7A Leigham Court Road London SW16 2ND	Change of use from Minicab Office (Use Class Sui Generis) to Restaurant (Use Class A3), together with the installation of an extract flue to the rear elevation.	Delegated Decision	Refuse Permission	15.05.2019	Appeal Allowed
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The Inspector considered the main issue to be whether the proposed use would undermine the vitality and viability of the Streatham Hill Major Centre Primary Shopping Area through a resulting overconcentration of A3 units.

The Inspector noted that LLP Policy PN4 seeks to safeguard shopping uses and requires no fewer than 60% of ground floor units should be A1 with no more than 25% of the units in A3/A4/A5 and no more than 2 in 5 consecutive food and drink uses. The Inspector acknowledged the evidence presented that there is a shortfall of A1 units in the town centre as a whole and just slightly over 25% of the ground floor units are in food and drink units (marginally at 25.4%). It was further noted that on the east side of Leigham Court Road there is more of a concentration of food and drink outlets and, with the appeal site in A3 use, 8 out of 17 units would be a food and drink outlet. However, the Inspector also noted that the proposal would not result in a concentration of more than 2 in 5 consecutive units in food and drink use.

Other factors were considered by the Inspector in the planning balance including the vacant nature of the appeal site, its previous use as a sui generis mini cab office and the fact that the restaurant use would deliver an active frontage that would be open throughout the day and into the evenings. The Inspector also observed that the main section of Streatham Hill on Streatham High Road appeared from the site inspection to remain strong and the proposal would not undermine it.

In concluding, the Inspector was satisfied that the proposal, appropriately conditioned, would, on balance, maintain the vitality and viability of the town centre in accordance with LLP Policy ED6 and would not undermine the objectives of LLP Policy PN4.

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The Inspector went on to allow the appeal. This was subject to a number of condition including one that prevents the use as a hot-food takeaway and prevents the operation of a delivery service in order to minimise danger, obstruction and inconvenience to users of the highway. The restriction on use as a hot-food takeaway is also necessary because the unit is less than 400 metres from a school and LLLP Policy ED7 restricts takeaways in these locations.

18/00530/FUL	Refusal - Town Planning	715 - 729 Wandsworth Road London SW8 3JF	Refurbishment of the existing 8 properties, involving rear roof dormer extensions, roofs and chimneys repairs, external works to enable vehicular access by widening the gates and changing the gradient of the driveway to provide level access at the rear, through the regrading of the path and external courtyards, and a new ramp with handrail to access the rear garden together with ancillary stone repairs, and other associated external works.	Delegated Decision	Refuse Permission	31.05.2019	Mixed Appeal Result
18/00531/LB	Refusal - Listed Building	715 - 729 Wandsworth Road London SW8 3JF	Refurbishment of the existing 8 properties, involving rear roof dormer extensions, roofs and chimneys repairs, external works to enable vehicular access by widening the gates and changing the gradient of the driveway to provide level access at the rear, through the regrading of the path and external courtyards, and a new ramp with handrail to access the rear garden together with ancillary stone repairs, and other associated external works.	Delegated Decision	Refuse Permission	31.05.2019	Mixed Appeal Result

The site is known as The Hibbert Almshouse and comprises a two-storey Grade II listed building containing 8 dwellings which are arranged in pairs. It is located within the Wandsworth Road Conservation Area (WRCA).

The Inspector considered the main issues in this appeal to be whether the appeal scheme would preserve The Hibbert Almshouse, its special interest and the character and appearance of the Wandsworth Road Conservation Area. The Inspector noted that the special interest and significance of the listed building (LB) derives from (i) its architectural character by virtue of its siting, combined with its strongly symmetrical frontage, its scale and the articulation and rhythm of its roof and (ii) by its historic and enduring use as an Almshouse.

As regards the proposed dormers, the Inspector considered that the amount; extent of the roof affected; and insensitive appearance would appear unacceptably dominant and erode the contribution made by the original chimneys and rhythm of the roof. This would be contrary to Lambeth Local Plan Policies Q5, Q11 and SPD guidance. Furthermore, the Inspector found

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that the roof additions would fail to preserve the special interest of the Listed Building, contrary to LLP Policy Q20. Despite limited visibility in the surrounds, the Inspector found this would diminish the contribution made to the CA by the unaltered roofscape, contrary to LLP Policy Q22.

As regards the effect of the other proposals for internal and external works, the Inspector concurred with the assessment of officers that subject to conditions these would preserve the special interest of the LB and; would preserve and enhance the character and appearance of the WRCA.

In accordance with the NPPF, the Inspector weighed the identified harm to the LB and CA against the public benefits of the proposal, including where appropriate securing its optimum viable use. The Inspector commented that it had not been demonstrated by the appellant that the use of the Almshouse, and the public benefits and heritage significance that accrue from this use, would not endure should the proposed dormers not be approved. For these reasons, whilst the proposals to locate WCs on the same level as the bedrooms would improve the internal accessibility of the Almshouse, and would deliver both public and private benefits as a result, it has not been demonstrated that the proposed dormers would result in the appeal building's optimum viable use.

The Inspector went on to issue a mixed (split) decision whereby he allowed some elements of the proposal only. The Inspector dismissed both appeals with regards to the proposed rear dormer roof extensions, and allowed the part of the appeals which related to the other external works (and internal works in respect of the Listed Building Consent application).

18/02120/FUL	Refusal - Town Planning	67 Clapham Road London SW9 0HY	Demolition of existing garages/store and erection of single storey with basement dwelling. [APPEAL A]	Delegated Decision	Refuse Permission	28.05.2019	Appeal Dismissed
18/02541/LB	Refusal - Listed Building	67 Clapham Road London SW9 0HY	Demolition of existing garages/store and erection of single storey with basement residential dwelling. [APPEAL B]	Delegated Decision	Refuse Permission	28.05.2019	Appeal Dismissed

The Inspector considered the main issues to be the effects of the proposal (i) on Nos. 63 to 73 Clapham Road (a Grade II listed terrace) and any features of special interest it possesses, including whether the proposal would preserve the character or appearance of the St Mark's Conservation Area and (ii) whether the proposed development's internal and external spaces would provide adequate living conditions for its future occupants in terms of light, outlook, privacy and accessibility; and (iii) whether the scheme would make an acceptable contribution towards the provision of affordable housing.

The first issue was considered in respect of both Appeals A & B. The second and third issues were specific to Appeal A.

On the first issue, it was noted that the appeal property is one of a central pair of dwellings within a three-storey over basement residential terrace included on the statutory list as Grade II. The special interest and significance of the terrace derives not only from the strong rhythms of its street-facing facades and the restrained elegance of their details, but also from its general layout. The Inspector noted that the proposed dwelling would be wider and taller than the existing single-storey structure at the appeal site. It was concluded that the proposed dwelling would be an insensitive and over-intensive addition which would further erode the development grain of the terrace, notwithstanding the proposed palette of materials and use of light coloured render.

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The Inspector determined that the proposed dwelling would fail to preserve Nos. 63-73 Clapham Road and their features of special interest; and also would not the preserve the character and appearance of the St Mark’s Conservation Area. The proposal was considered to conflict with Lambeth Local Plan Policies Q5, Q7, Q14, Q20 and Q22. In accordance with the NPPF, the Inspector weighed the identified harm to the LB and CA against the public benefits of the proposal, including where appropriate securing its optimum viable use. The Inspector considered that none of the public benefits advanced in favour of the appeal scheme were of a sufficient magnitude, either taken individually or together, to tip the balance in its favour when set against the great weight and importance attached to the harm it would cause to the significance of the Listed Building and Conservation Area.

On the second issue, the Inspector noted that the proposed amenity space (17sqm) would fall short of development plan requirements for 30sqm, and would be wholly provided at lower ground floor level and be bounded by tall walls – including those of No. 59 Clapham Road and the front of the proposed dwelling itself. Due to the size of the amenity space, taken together with the tall features that surround it, the penetration of light and sunlight to the lower ground floor level would be restricted, resulting in gloomy and unwelcoming amenity and internal spaces. Furthermore, the subterranean nature of the lower ground floor would mean that outlook from the bulk of the appeal scheme’s habitable space would be restricted and enclosed. In addition, inadequate levels of privacy would be provided to future occupants due to the adjacency of both the ground floor bedroom windows and the proposed amenity space to the shared access road. For these reasons the Inspector concluded that the proposed development would not provide adequate living conditions for its future occupants, thereby conflicting with LLP Policy H5.

On the third issue the Inspector noted the restriction on affordable housing contributions from small sites detailed within the NPPF, but acknowledged that local circumstances may justify a different approach. As part of its appeal submission the Council supplied evidence of exceptional local affordable housing need and its subsequent reliance on contributions from small sites to meet affordable housing delivery targets. Having considered the evidence before him from the Council, the Inspector concluded that its requirements for affordable housing contributions in relation to the proposed development were fully justified and necessary. Although a material planning consideration, the NPPF and other guidance would not outweigh the requirements of LLP Policies D4 and H2.

The Inspector went on to dismiss both appeals.

17/03916/LB	Refusal - Listed Building	Telecommunications Mast 50126 Roof Top of Plough Brewery 516 Wandsworth Road	Installation of cabling to service existing telecommunications site.	Delegated Decision	Refuse Permission	24.05.2019	Appeal Allowed
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The Inspector considered the main issue to be (i) whether the proposed works would preserve (i) the Grade II Listed Plough Brewery, and any features of special interest that it possesses and (ii) whether they would preserve or enhance the character or appearance of the Wandsworth Road Conservation Area (WRCA).

The roof of the building houses telecommunications apparatus, and the proposed works would install additional cabling for this apparatus on the rear and roof of the building. The proposed cabling would follow the line of existing cabling related to the telecommunications apparatus.

The Inspector noted that the proposed cabling would be of a limited diameter and its visual implications in terms of the large scale and extent of the elevation to which it relates would be minimal. Moreover, the proposed works would relate to the rear elevation of the building, which includes other functional pipework related to the building’s plumbing, and thus would

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not intrude on its more polite elements. Furthermore, the proposed method of fixture for the cabling would avoid undue interference with the fabric of the building and would be readily reversible. The Inspector concluded that the proposed works would cause no harm to the significance of the building and would not erode the contribution it makes to the character and appearance of the WRCA.

The Inspector allowed the appeal subject to conditions that required the works to be undertaken in accordance with the submitted Draft Heritage impact Assessment.

18/00772/FUL	Refusal - Town Planning	2 Beta Place London SW4 7QN	Replacement of 3 white timber single glazed windows and 1 entrance door with 3 white timber double glazed windows and 1 white solid timber entrance door.	Delegated Decision	Refuse Permission	28.05.2019	Mixed Appeal Result
18/00773/LB	Refusal - Listed Building	2 Beta Place London SW4 7QN	Replacement of 3 white timber single glazed windows and 1 entrance door with 3 white timber double glazed windows and 1 white solid timber entrance door.	Delegated Decision	Refuse Permission	28.05.2019	Mixed Appeal Result

The appeal schemes would replace the existing windows at No.2 with timber-framed double-glazed units. A timber door, in a style similar to those elsewhere in the complex would replace the existing glazed doors.

The Inspector considered the main issues of these appeals to be (i) whether the appeal scheme would preserve Beta Place (a Grade II listed building), and its special interests, and (ii) whether the appeal scheme would preserve or enhance the character or appearance of the Trinity Gardens Conservation Area.

The Inspector's decision includes an assessment of the significance of the heritage assets, namely the Grade II Listed Beta Place and the Trinity Gardens Conservation Area. The appeal building, Beta Place, is part of the Grade II listed complex of buildings dating from the late 19th Century, which were previously a board school, but are now in residential use. The complex of buildings has tall multi-paned windows at all levels both within the large multi-storey Alpha House, and the more diminutive Beta House. Due to their extent, these windows are important contributors not only to the elevational character of the Grade II listed heritage asset, but also to its special interest and aesthetic significance. Moreover, both Alpha House and Beta Place are key features of the Trinity Gardens CA, their fenestration pattern and architectural style contributing considerable to the wider character and appearance of the area.

On the first issue, the Inspector noted that the proposed double glazed units, taken together with the presence of spacers in the gaps between panes would result in windows with substantially different reflective qualities to the single-glazing predominant within the appeal property's immediate surroundings, both within Alpha House and Beta Place. This effect, taken together with the overall scale of the property's windows would result in a readily discernible and visually jarring contrast to the established character of the Grade II listed complex. The proposed windows would undermine the coherence and aesthetic of Beta Place which would diminish both its significance and the contribution it makes to the character and appearance of the Trinity Gardens CA.

On the second issue, the Inspector concurred with the council that the removal of the modern glazing door would not cause harm. However, he also shared the council view that insufficient details were submitted with regards to the proposed door replacement, but considered that such details could be secured by way of a pre-commencement condition. This element of the appeal scheme was considered to be clearly distinguishable and severable from the window proposals

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The Inspector went on to issue a mixed (split) decision whereby he allowed some elements of the proposal only. The Inspector dismissed both appeals with regards to the proposed double-glazed windows, and allowed the part of the appeals which relate to the door replacement by securing detailed drawings of the door by a pre-commencement condition.

18/03101/FUL	Refusal - Town Planning	21A St Faith's Road London SE21 8JD	Erection of a single storey roof extension, together with the construction of a three storey infill extension and a two storey side extension on the north side elevation at ground floor level, together with the installation of a rear elevation balcony at first floor, and the installation of a double door to replace two windows to the rear elevation at ground floor.	Delegated Decision	Refuse Permission	14.05.2019	Appeal Dismissed
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The Inspector considered the main issues to be the effect of the proposed development (i) on the character and appearance of the area; and (ii) on nearby trees and biodiversity of the adjoining Site of Importance for Nature Conservation.

The Inspector noted that the appeal property is a 2-storey semi-detached property that is of a modern design in a unique form. Whilst the property contrasts with the general character and appearance of the area, given its 2-storey height, and its position behind the nearby row of houses along the street, it makes little impact on the street scene and is in keeping in terms of scale with the other nearby properties.

On the first issue the Inspector commented that the construction of a second floor would substantially increase the height of the host building. It would raise the roof profile, substantially increasing the mass of the building to appear much larger than the adjacent property (within the pair) as well as the nearby properties along St Faith's Road. The 2-storey side extension would add significant mass to the host building, adding to the additional bulk created by the construction of the second floor. Consequently, the proposed development would harm the character and appearance of the area. The Inspector identified conflict with LLP Policies Q5, Q11, Q14 and the Building Alterations & Extensions SPD.

On the second issue the Inspector was satisfied that with the submitted Tree Survey Report, Arboricultural Impact Assessment and a Preliminary Ecological Appraisal because any harm could be minimised by impact avoidance measures and a suitably worded condition. It would not conflict with LLP Policies EN1 nor Q10.

The inspector went on to dismiss the appeal on the first issue.

18/05086/FUL	Refusal - Town Planning	24 De Montfort Road London SW16 1LZ	Provision of vehicular crossover together with the demolition of a section of the boundary wall.	Delegated Decision	Refuse Permission	21.05.2019	Appeal Allowed
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The Inspector considered the main issue to be the effect of the proposed parking area and crossover on the character and appearance of De Montfort Road.

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The Inspector noted several houses along De Montfort Road that already have vehicle crossovers and parking in front gardens. As an end-terraced house the Inspector noted that the appeal site is noticeably wider than the neighbouring houses in the terrace, with a corresponding wide front garden that is currently given over part to grassed lawn, part to paving, and part to flower beds.

The Inspector referenced LLP Policy Q14 which states that where planning permission is required, car parking in front gardens will not be permitted, other than in exceptional circumstances. In such cases, the proposal should demonstrate amongst other things, that there would be no harm to the visual amenity value; an adequate boundary treatment can be maintained across the street frontage, perimeter shrub planting is provided to act as a screen; and as much soft landscaping as possible is retained.

In this particular case, the Inspector commented that the front garden at No. 24 is wide enough to accommodate a parked car on the current paved area, whilst retaining all of the existing lawn and the existing soft landscaping along the perimeter boundary with the adjoining property at No. 22. The existing dwarf wall would be partly demolished, but a sufficient element would remain to keep consistency with the front boundary treatments of the rest of the terrace which, in any case, are not characteristic of the wider locality, nor do they contribute to local distinctiveness. In this context the Inspector concluded that the proposal represented exceptional circumstances and would not be harmful to the character or appearance of De Montfort Road.

The Inspector went on to allow the appeal.

18/05090/FUL	Refusal - Town Planning	63 Lamberhurst Road London SE27 0SD	Erection of a 2-storey pitched roof rear extension along with alterations to the fenestration on the rear elevation at first floor level along with the insertion of a rooflight in the front roofslope.	Delegated Decision	Refuse Permission	21.05.2019	Appeal Dismissed
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The Inspector considered the main issue to be the effect of the proposed rear extension on the character and appearance of the area around Lamberhurst Road and Greenhurst Road.

The appeal site is a corner plot located at the junction of Lamberhurst Road, Greenhurst Road and Lakeview Road and occupies a very prominent position within the surrounding environs. The Inspector observed the degree of commonality in the design of houses along this part of Lamberhurst Road. The Inspector noted that the gable end of the extension would appear incongruous in the context of the complex hipped roof form of the host building and the extensive use of full-height glazing would not sit well with the 'Arts and Crafts' style of the host building. The Inspector concluded by stating that the proposed scale, design and materials of the proposed extension would not be a positive response to the local context and this would be exacerbated by the prominent position of the site.

The Inspector found the proposal to be in conflict with LLP Policies Q5 and Q11 and went on to dismiss the appeal.

	Allowed	Dismissed	Mixed
Month total	10	9	4
Financial year to date	15	17	4