

PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/07/2019 AND 31/07/2019

Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
18/03840/FUL	Refusal - Town Planning	60 Lanercost Road London SW2 3DN	Erection of a hip-to-gable roof extension and rear dormer together with the installation of 2 rooflights to the front elevation.	Delegated Decision	Refuse Permission	08.07.2019	Appeal Dismissed

The appeal site consists of a two storey semi-detached building located on the south side of Lanercost Road. The property was originally built as a single family dwellinghouse, but was granted consent in the 1970s to be used as three self-contained flats; which is the current lawful planning use of the site. The site is not located within, or adjoins, a designated conservation area.

Planning permission was refused by the Council for two reasons: 1) the roof extension through its inappropriate bulk and massing, would fail to respect the architectural integrity and scale of the host building, and the streetscape as a whole; and 2) the front roof windows, through an incongruent and inconsistent size and design with the fenestration and architectural elements on the floors below, would result in an inharmonious development that fails to demonstrate rational design.

The Inspector identified the main issues on this appeal to be the effect of the proposed development on the character and appearance of the dwelling and the area generally.

In determining the appeal the Inspector considered that the proposed hip-to-gable extension and the rear box dormer would un-balance the pair of semi-detached houses, and thereby have a negative impact on the streetscene as a whole. This was in light of evidence from the appellant demonstrating that there are several other properties further down the road where this was a common occurrence. The Inspector however took the view that these examples were not part of the immediate vicinity, and in any event where these did occur, there were distinct roof details that were replicated on each of the roofs to ensure that there is some form of architectural consistency. It should also be noted that the appellant compared the roof extension to a development granted permission by development order (permitted development); and the Inspector however considered that this should not have any merit or weight to the decision.

In terms of the proposed front rooflights, the Inspector was of the view that while they would have a different shape to the other windows in the building, including the one immediately beneath, they would be modest in size, would be flat to the roof slope and would not be over conspicuous. Further, that when viewed in the context of the overall design of the building, they would not have a significantly adverse impact on the building or on the character and appearance of the area.

The Inspector dismissed the appeal.

18/05115/PDE	Refusal - Town Planning	57 High Trees London SW2 3PT	Application for prior approval for the erection of a single storey ground floor rear extension with dimensions of 6m (length), 2.9m (total maximum height) and 2.6m (height to the eaves).	Delegated Decision	Refused Extension GPD	10.07.2019	Appeal Dismissed
--------------	-------------------------	------------------------------------	--	--------------------	-----------------------	------------	------------------

The appeal relates to a two storey semi-detached dwelling house on the eastern side of High Trees south of the junction with Abbots Park. The property's main entrance was traditionally on its side elevation, although this has been relocated to its front, with the addition of a single storey side extension. The property already benefits from an original single storey rear projection and a non-original single storey outbuilding. The site is not located within a designated conservation area.

PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/07/2019 AND 31/07/2019

Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
--------------	-------------	---------	----------	---------------	------------------------	---------------	-----------------

Prior approval was refused by the LPA on the basis that the proposed single storey rear/side extension as shown on the submitted plans, due to excessive width, height, site coverage, likely incorporation of a raised platform and uncertain materials fails to comply with Paragraph, A.1 (b), (e), (i), (j.iii), (k) and A.3(a) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) ('GDPO').

The Council's assessment of the application disputed the measurements provided by the applicant given the sloping topography. The Inspector agreed with the LPA by considering that the submitted drawings did not accurately reflect the impact of the scale and size of the proposal on the existing site and surroundings. Accordingly, they assessed the proposed extension on the basis of the existing ground level measurements as set out by the Council.

The Inspector considered the main issue of the appeal to be whether the proposal would be permitted development, and if so, whether prior approval should be granted.

Based on plans and observations on site, it was the Inspector's view that the proposal and other existing additions to the original property would likely result in coverage close to or above 50% threshold of the curtilage area. Notwithstanding this, the evidence provided by the appellant was viewed to be insufficient information to provide the Inspector with clarification on the matter. The proposal was therefore considered not comply with Criteria A.1 (e) of the GDPO.

The Inspector further agreed with the Council that the proposed development would not constitute permitted development and would fail to comply with Criteria A.1(e), A.1(f), A.1(i), A.1(j.iii) of the GPDO on the basis that the enlarged part of the dwellinghouse would:

- extend beyond a wall which forms either the principal elevation or a side elevation of the original dwellinghouse (A.1(e)),
- have a single storey and extend beyond the rear wall of the original dwellinghouse by more than 3 metres (A.1(f))
- be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres (A.1(i))
- extend beyond a wall forming a side elevation of the original dwellinghouse, and would have a width greater than half the width of the original dwellinghouse (A1 (j.iii));
-

It would also not comply with A.3(a) of the GDPO as the materials used in any exterior work (other than materials used in the construction of a conservatory) would not be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

18/05521/FUL	Refusal - Town Planning	12 Conyers Road London SW16 6LT	Conversion of the property into 8 self contained flats, involving the erection of part single /part two storey rear and side extension including making the existing basement into habitable rooms, together with erection of a rear roof extension with 2 dormers plus the provision of refuse and cycle stores and other associated alterations.	Delegated Decision	Refuse Permission	26.07.2019	Appeal Dismissed
--------------	-------------------------	---------------------------------------	--	--------------------	-------------------	------------	------------------

The appeal site is located on the west side of Conyers Road opposite the junction with Babington Road. It consists of a three storey detached building with large front and rear gardens.

PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/07/2019 AND 31/07/2019

Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
--------------	-------------	---------	----------	---------------	------------------------	---------------	-----------------

The property's lawful use is three flats. The surrounding area is predominantly residential, it has a sub-urban character with a pattern of large detached houses. It is noted that the property is within a street under conversion stress.

The Council refused the application for two reasons, 1) the development would fail to provide a balanced housing mix (by comprising 5 x 1-bed/1 person flats, 2 x 2-bed/3 person flats and 1 x 3-bed/5 person flat) and 2) in absence of a completed section 106 agreement obliging to provide a financial contribution towards the consultation and implementation of a proposed CPZ; car permit free (in case of an implemented CPZ); and car club membership and a car club bay the proposed increase of residential units has the potential to unacceptably impact the parking pressure and highway safety within the surrounding area.

The Inspector considered the main issues of this appeal (Appeal A) to be:

- (1) Whether the proposal would provide a balanced and appropriate housing mix; and
- (2) Whether the proposal would promote sustainable methods of transport and increase parking pressure in the area

On the issue (1) the Inspector noted that the appeal proposal would provide 8 flats, approximately 60% of which would be 1-bed/1 person flats. The Inspector gave consideration to an extant permission for the site that would provide a more balanced mix, with only 2 of the proposed 7 units being for 1-bed/1 person flats. It was considered reasonable by the Inspector to expect this development to provide a mix of units and a range of occupancy that reflects the preferred dwelling mix set out in the Local Plan and that policy H4 applies. The Inspector noted that the appeal site is location in a part of the Borough with a suburban character with larger residential properties. The Inspector considered that the proposed numbers of 1-bed/1 person flats would not provide a balanced housing mix and would also not be appropriate for this suburban location.

Turning to issue (2), as part of the appeal process the appellants submitted unilateral undertaking (UU). The UU sought to addresses many of the Council's concerns set out in the second reason for refusal listed above with respect to sustainable transport. Taking the UU into consideration, the Inspector felt that the crux of this main issue is whether all of the units within the proposals should be controlled as being car permit free. This was due to the appellants contending that as the site prior to development consisted of 3 residential units, then the restrictions in respect of car permits should be limited to the 5 extra units that would result from the proposals. The Inspector was of the view that the Council should have given greater weight to the number of units which existed on the site prior to development and it would be disproportionate and unnecessary to require all of the units to be car free considering the effect on car parking arising from the original site.

The Inspector dismissed the appeal on the scheme's failure to provide a balanced and appropriate housing mix.

18/05531/FUL	Refusal - Town Planning	12 Conyers Road London SW16 6LT	Erection of a part single/ part two storey rear extension, erection of a two storey side extension; provision of two tiled gable dormers to the rear roof slope; and division of existing 3 flats to provide a total of 8 self-contained flats.	Delegated Decision	Refuse Permission	26.07.2019	Appeal Dismissed
--------------	-------------------------	---------------------------------------	---	--------------------	-------------------	------------	------------------

The appeal site is located on the west side of Conyers Road opposite the junction with Babington Road. It consists of a three storey detached building with large front and rear gardens. The property's lawful use is three flats. The surrounding area is predominantly residential, it has a suburban character with a pattern of large detached houses. It is noted that the

PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/07/2019 AND 31/07/2019

Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
--------------	-------------	---------	----------	---------------	------------------------	---------------	-----------------

property is within a street under conversion stress.

Planning permission was refused for the following three reasons, 1) that the development would fail to provide a balanced housing mix (by comprising 4 x 1-bed/1 person flats, 3 x 2-bed/3 person flats and 1 x 3-bed/5 person flat), 2) the proposed two storey rear extension and the side extensions would fail to appear subordinate to the host building. The proposed two storey rear extension, by reason of its depth, height, large flat roof and design would appear as an incongruous addition, which would appear overly dominant to the host building and it would harm the visual amenities for the occupiers of the property at number 10 Conyers Road. The proposed part single, part two storey side extension would further detract from the appearance of the host building and it would unacceptably infill the gap between the semi-detached building, which is a repeated and characteristic feature; and 3) in absence of a completed section 106 agreement obliging to provide a financial contribution towards the consultation and implementation of a proposed CPZ; car permit free (in case of an implemented CPZ); and car club membership and a car club bay the proposed increase of residential units has the potential to unacceptably impact the parking pressure and highway safety within the surrounding area.

The Inspector considered the main issues of this appeal (Appeal B) to be:

- (1) Whether the proposal would provide a balanced and appropriate housing mix;
- (2) The effect of the proposal on the character and appearance of the host property and the outlook from a neighbouring property; and
- (3) Whether the proposal would promote sustainable methods of transport and increase parking pressure in the area.

On the issue (1) the Inspector noted that the appeal proposal would provide 8 flats, approximately 50% of which would be 1-bed/1 person flats. The Inspector gave consideration to an extant permission for the site that would provide a more balanced mix, with only 2 of the proposed 7 units being for 1-bed/1 person flats. It was considered reasonable by the Inspector to expect this development to provide a mix of units and a range of occupancy that reflects the preferred dwelling mix set out in the Local Plan and that policy H4 applies. The Inspector noted that the appeal site is location in a part of the Borough with a suburban character with larger residential properties. The Inspector considered that the proposed numbers of 1-bed/1 person flats would not provide a balanced housing mix and would also not be appropriate for this suburban location.

Turning to the issue (2), the Inspector identified that the proposed two-storey rear extension would project a significant distance to the rear beyond the main rear wall of the house and create a significant box-like structure. The Inspector therefore took the view that it would be of a scale and bulk which would be obtrusive and overdominant in views of the rear of the building. The unsympathetic flat roof design at first floor level was also considered to add to this incongruous appearance and that the increase the massing of the extension at first floor level with commensurate harm to the outlook from No 14.

Finally, on issue (3), as part of the appeal process the appellants submitted unilateral undertaking (UU). The UU sought to addresses many of the Council's concerns set out in the second reason for refusal listed above with respect to sustainable transport. Taking the UU into consideration, the Inspector felt that the crux of this main issue is whether all of the units within the proposals should be controlled as being car permit free. This was due to the appellants contending that as the site prior to development consisted of 3 residential units, then the restrictions in respect of car permits should be limited to the 5 extra units that would result from the proposals. The Inspector was of the view that the Council should have given greater weight to the number of units which existed on the site prior to development and it would be disproportionate and unnecessary to require all of the units to be car free considering the effect on car parking arising from the original site.

The Inspector dismissed the appeal as the proposals would lead to harm to the housing mix of the area and to character and appearance of the host building as well as the outlook from a neighbouring property. The limited benefits to housing supply were also viewed not outweigh the identified harm.

PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/07/2019 AND 31/07/2019

Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
18/04409/FUL	Refusal - Town Planning	Land Rear Of 20 - 22 Beardell Street London SE19	Erection of 3 (2x 4-bed semi-detached, 1x 4-bed detached) houses along with the provision of on-site car parking, refuse and recycling store together with hard and soft landscaping.	Delegated Decision	Refuse Permission	22.07.2019	Appeal Dismissed

The appeal relates to a T-shaped backland site on the eastern side of Beardell Street, to the immediate west of Nos. 16 - 22 Beardell Street, and to the immediate north of properties at 25 - 31 Westow Hill. The majority of the site is located within the Westow Hill Conservation Area; however access to the site, to the east on Beardell Street, is not located within a conservation area. The site falls steeply to the north, roughly following the gradient of Beardell Street, giving varying ground levels across the site.

The Inspector considered that the main issues of the appeal were; the effect of the proposed development on the amenity of neighbouring occupiers with regards to privacy and outlook, whether the proposed development would make an appropriate contribution towards the provision of affordable housing, and highway safety.

With regards to the impacts on residential amenity the Inspector took account of the constrained nature of the site, along with the proximity of the proposed building to the site boundary and found that the proposal would have an enclosing, overbearing and unneighbourly relationship with both Nos 16 and 18 Beardell Street, with the proposed windows having elevated views of the rear of neighbouring properties. Amendments had been made to the scheme, which the Inspector considered appropriate to be part of the appeal documents, however notwithstanding the changes to the scheme these did not overcome the impact on residential amenity in terms of outlook.

Turning to the the lack of contribution towards affordable housing, the Inspector found that the evidence provided by the council to justify policy H2 was robust and supported by recent appeal decision supporting the policy position. However, the Inspector considered that as applicant's viability appraisal had not been subjected to an independent assessment the council had not provided robust evidence to contradict the submitted appraisal. The Inspector agreed that extra build costs could be incurred as a result arising from the sloping topography and constrained nature of the site and proposed basement construction and concluded that the proposal would not be capable of making an appropriate financial contribution towards affordable housing.

Finally, in terms of highway safety the Inspector considered that the concern raised regarding shared surfaces could be addressed by an appropriate condition and does not represent a reason to withhold planning permission. Likewise, noting the limited number of traffic movements and the provision of a swept path analysis that shows that a delivery van can turn within the site the Inspector did not support the council's reason for refusal. Further the Inspector noted that traffic speeds were low and within the context of a one-way street and the provision of a convex mirror would provide suitable visibility at the access to the site and concluded that the proposal would not lead to an unacceptable impact on highway safety.

The appeal was thereby dismissed as Inspector found that although the proposal did have modest benefits these would not outweigh the substantial harm to the living conditions of nearby residents.

18/01953/LDCE	Certificate 4	152 Norwood Road	Application for Certificate of Lawfulness (existing)	Delegated	Refuse Permission	17.07.2019	Appeal
---------------	---------------	------------------	--	-----------	-------------------	------------	--------

PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/07/2019 AND 31/07/2019

Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
	Lawful Development Appeal	London SE27 9AZ	with respect to the use of the upper floors as 3 self-contained flats.	Decision			Allowed

The appeal site comprises a 3 storey mid-terrace building located on the southern side of Norwood Road, near the junction with Tulse Hill. The Building is in Hot Food Takeaway use on the ground floor (this was granted under Land Use Class A3, before the formation of the A4 Land Use Class) and residential use on upper floors.

The appeal related to whether the use of the property as 3 flats had continued for a period of 4 years from commencement with no material change thereafter.

The Inspector noted the Statutory Declarations from the Landlords Portfolio Manager and Letting Agent, which stated that the flats were formed in 2012 and have been in use from then on. The Inspector went to assigned significant weight to the declarations, noting the solemnity which the 1835 Statutory Declarations Act implies. The Inspector disagreed with Council that the majority of other evidence should be discounted due to it forming largely unverifiable interactions between landlord and tenants. Further, the Inspector noted that the only contradictory evidence was that Flats 1 and 2 were not registered for Council Tax until 2017, stating that this is common within flat conversions.

The appeal was allowed as the Inspector concluded that on the balance of evidence the flats had been in use for 4 years continued period.

18/04521/FUL	Refusal - Town Planning	49 Hinton Road London SE24 0HR	Removal of existing roof and erection of a gabled ended roof extension, including raising the main ridge and eaves level, a rear mansard roof extension with a dormer window and the installation of a side window and 2 front roof lights.	Delegated Decision	Refuse Permission	02.07.2019	Appeal Dismissed
--------------	-------------------------	--------------------------------------	---	--------------------	-------------------	------------	------------------

The appeal site is of a triangular shape and comprises a 2-storey, end of terrace dwellinghouse situated on the east side of Hinton Road at the junction with Alderton Road. The site is located within a predominantly residential area, and is part of a characterful terrace. Due to ground level changes, there is a stepped eaves' and ridges' line with the application site being approx. 0.4m higher than the adjoining pair of properties to the west. The property has a clay tiled roof. The site is not in a conservation area nor is a building listed.

Planning permission was refused on the basis that the proposed roof extension and associated alterations to main walls and ridge levels, by reason of their form, scale and detailed design would harm the architectural integrity of the original building and the terrace. The proposal was therefore considered harmful to the character or appearance of the area.

The Inspector identified the main issues of this appeal to be the effect of the proposal on the character and appearance of the host property and the surrounding area.

The Inspector noted the existing roof to No 49 has a relatively low profile and successfully and unobtrusively provides the mechanism for the dwelling to turn the corner at roof level. Consequently, whilst it is neither a designated heritage asset nor within a Conservation Area, the appearance of the property, including its roof form, was viewed to be individual and contributes positively to the composition of the terrace and the wider area. It was also identified that there are small changes in height between the eaves and ridge line of the host

PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/07/2019 AND 31/07/2019

Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
--------------	-------------	---------	----------	---------------	------------------------	---------------	-----------------

property and its neighbour. This slight differentiation was evident in the locality, including on other properties along the street and on Alderton Road, but it is characterised by being a minor step. The street scene visual along Hinton Road shows the appeal scheme from a more oblique angle. However, in comparison to the existing form, the proposal was considered to increase the eaves and ridge height by approximately 0.45m, which would result in a much greater and more noticeable transition to the neighbouring property. The Inspector therefore concluded that the extension would appear incongruous as a result, particularly in more direct views in front of the host dwelling and dismissed the appeal.

18/04866/DET	Refusal - Town Planning	435 - 437 Coldharbour Lane London SW9 8LN	Approval of details pursuant to 4 (detailed drawings) of planning permission 14/06769/FUL (Alterations to shopfront including the formation of a new entrance and installation of new timber shopfront with fixed panel windows; installation of timber board fascia and awning.) granted on 26.03.2015.	Delegated Decision	Refuse Permission	04.07.2019	Appeal Dismissed
--------------	-------------------------	---	--	--------------------	-------------------	------------	------------------

In March 2015 the appellant secured planning permission to undertake alterations to the shopfront, to include the installation of a new timber shopfront and timber board fascia. Condition 4 of that permission required details of the proposed shutter at a scale of no less than 1:20 to be submitted to and approved in writing by the Council before development commenced. The appellant confirmed that the works were completed in January 2016 so that the shutter had already been installed. Accordingly, whilst taking note of what has been built, the Inspector determined this appeal on the basis of the submitted plan, comprising a front elevation drawing at 1:20 showing a solid steel slat roller shutter.

The Inspector considered the main issues of this appeal to be whether the details submitted to discharge Condition 4 are sufficient, having regard to the effect of the proposal on the character and appearance of the surrounding area, including the Brixton Conservation Area (Brixton CA). In making the assessment careful regard was had by the Inspector towards the differing styles of shop fronts and types of roller shutter (solid and latticed/part-latticed). However, based on the submitted plans the Inspector was not persuaded that the details to satisfy the reason for imposing Condition 4 to be sufficient, to ensure that the shutters would not harm the character and appearance of the surrounding area. Nor were the roller shutters considered to be innovative in their design.

The harm arising from development to the significance of the CA was viewed by the Inspector to be less than substantial. Having regard to paragraph 196 of the National Planning Policy Framework, such harm should then be balanced against any public benefits that the scheme might bring. The Inspector had nothing put to them to determine that the security of the premises could not be achieved by a lattice style shutter or that a lattice shutter would not be equally robust and resistant to damage. Furthermore, was not seen as a public benefit that would outweigh the less than substantial harm caused to the significance of the Conservation Area, a designated heritage asset.

The Inspector concluded that the details submitted were not sufficient and the shutter would have a harmful effect on the character and appearance of the existing building and the surrounding area, including the Brixton Conservation Area, which would not be preserved or enhanced. The Inspector decided to dismiss the appeal.

18/05034/FUL	Refusal - Town Planning	39 Becmead Avenue London SW16 1UJ	(Part retrospective) Retention of single storey ground floor rear extension to provide conservatory and erection of a glazed screen at	Delegated Decision	Refuse Permission	25.07.2019	Appeal Dismissed
--------------	-------------------------	-----------------------------------	--	--------------------	-------------------	------------	------------------

PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/07/2019 AND 31/07/2019

Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
--------------	-------------	---------	----------	---------------	------------------------	---------------	-----------------

the side passage. New rear boundary fence.

The appeal site contains a semi-detached dwellinghouse located on the northern frontage of Becmead Avenue, a predominantly residential street. The dwellings on the northern frontage are well set back from the road on a common building line. The area is characterised by a sense of spaciousness owing to the set-back building line and width of the road and footway. The site is not within a conservation area and contains no listed buildings. The property benefits from an existing single-storey rear extension which infill the area between the western site boundary and the original two-storey outrigger. This was carried out without permission in 2002 but has become immune from enforcement action by the passage of time.

The Inspector considered the main issue to be the effect of the development on the character and appearance of the host building and surrounding area.

Despite extensive use of glazing, the rear extension was considered to comprise a dominant feature on the rear elevation of the property; to be of incongruous scale and design and to be of poor materials (aluminium, shopfront-type double glazing panels). Given the scale and level of use, the Inspector agreed with the council that a tennis club situated to the rear of the site was akin to public domain. The harmful impact of the appearance of the extension would be evident in views from the club. The Inspector considered this element harmful to the character and appearance of the host building and the surrounding area to the rear.

A glazed screen installed at the side passage was found to fail to reflect local architecture and boundary treatments characteristic of the surrounding area. This part of the development was therefore found to detract from the character and appearance of both the property and surrounding streetscene, and the Inspector went on to dismiss the appeal.

	Allowed	Dismissed	Mixed
Month total	1	8	0
Financial year to date	16	29	4