

PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/09/2019 AND 30/09/2019

Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
17/02936/FUL	Refusal - Town Planning	Graphite Square London SE11 5EE	Demolition of existing office, warehouse and church buildings (use classes B1, B8, and D1), and redevelopment of the site to provide a residential led mixed-use development with a podium building of ground plus 3 storeys (fronting onto Worgan Street) connecting a ground plus 9 storey building (fronting onto Worgan Street), a ground plus 13 storey building (fronting onto Worgan Street), and ground plus 13 storey building (at the junction of Worgan Street and Jonathan Street) to provide 160 residential units, offices (use class B1), a ground-floor flexible retail/café/office (flexible use class A1/A3/B1), a replacement Methodist church (use class D1), and provision of a single level basement, together with servicing, car and cycle parking, and provision of new public realm and associated works.	Committee Decision	Refuse Permission	25.09.2019	Appeal Allowed

This appeal comprises the first of two planning appeals for the subject site that were the subject of a Public Inquiry held between 6th and 13th August 2019. The appeal decision was published on 25th September 2019 and both appeals were allowed.

APPEAL A

This appeal followed on from a decision by Planning Applications Committee to overturn an officer recommendation to grant planning permission on 6th February 2018. The application was refused by decision notice dated 12th March 2018 for the following reason relating to impact on the amenity of adjoining residential properties:

1. The proposed development, by reason of its scale and massing and proximity to neighbouring residential properties, would adversely impact on amenity due to the sunlight and daylight received by residential occupiers in Arne House, Worgan Street and 79 Vauxhall Walk. As such, the proposal would be contrary to Policies Q2(iv) and Q26 (vi) of the Lambeth Local Plan (2015) and Policy 7.7(D)(a) of the London Plan (2016).

This appeal is hereby referred to as APPEAL A.

APPEAL B

This appeal followed on from a decision by Planning Applications Committee to overturn an officer recommendation to grant planning permission on 13th November 2018. The application was refused by decision notice dated 8th February 2019 for the following reason relating to impact on the amenity of adjoining residential properties:

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1. The proposed development, by reason of its scale and massing and proximity to neighbouring residential properties, would have a detrimental impact on the residential amenity of the occupiers of Jameson House, Vauxhall Walk and Kennedy House, Glasshouse Walk; and would adversely impact on the amenity of residential occupiers in Arne House, Worgan Street and 79 Vauxhall Walk in terms of sunlight and daylight. As such, the proposal would be contrary to policies Q2 (iv) and Q26 (vi) of the Lambeth Local Plan (2015) and Policy 7.7(D)(a) of the London Plan (2016).

This appeal is hereby referred to as APPEAL B.

SITE CONTEXT

The site (0.43 hectares) is located in Vauxhall approximately 500m northeast of Vauxhall train station. It is bounded by Jonathan Street to the north, Worgan Street to the east, Glasshouse Walk to the south and Vauxhall Walk to the west. There are a number of neighbouring properties which are referenced in the appeal decision, which include:

- Existing residential buildings known as 'Kennedy House' and 'Jameson House' to the south.
- Existing residential building known as 'Arne House' to the east on the opposite site of Worgan Street.
- Existing residential building at No. 79 Vauxhall Walk (Spring Gardens Court) abutting the north-west corner of the appeal site.
- Existing commercial premises at Nos. 83-97 Vauxhall Walk abutting the western boundary of the site and occupied by Walker Books and their tenants.

MAIN ISSUES

The Inspector considered the main issue in APPEAL A to be (i) whether the impacts the proposal would have on the living conditions of occupiers of Arne House and No.79 Vauxhall Walk, and working conditions at Nos.83-97 Vauxhall Walk, through loss of sunlight and daylight, are acceptable, in the context of the benefits the scheme would bring forward.

The Inspector considered the main issues in APPEAL B to be (i) whether the impacts the proposal would have on the living conditions of occupiers of Arne House and No.79 Vauxhall Walk, and working conditions at Nos.83-97 Vauxhall Walk, through loss of sunlight and daylight, are acceptable, in the context of the benefits the scheme would bring forward; and (ii) in terms of its visual impact on residential occupiers of Jameson House and Kennedy House.

APPEAL FINDINGS

The Inspector began by outlining a number of policies in some detail including London Plan Policy 7.7(D)(a) and Lambeth Local Plan Policies Q2 (Amenity) and Q26 (Tall and large buildings). The Inspector noted that Local Plan Policy Q2 supports development if (of application here): (iv) it would not have an unacceptable impact on levels of daylight and sunlight on the host building and adjoining property; and (iii) adequate outlooks are provided avoiding wherever possible any undue sense of enclosure. In his view the key to the policy approach is the use of the terms *unacceptable* and *adequate*. A balance must be struck between the need to deliver market and affordable housing, in particular, and any harmful impacts that may result.

The Inspector noted that this is borne out by the way in which the courts have approached the way in which loss of sunlight and daylight as a result of development should be dealt with. He cited the two-stage approach detailed in *Rainbird v The Council of the London Borough of Tower Hamlets [2018] EWHC (Admin)*. First, as a matter of calculation, whether there would be a material deterioration in conditions; and second, as a matter of judgement, whether that deterioration would be acceptable in the particular circumstances of the case.

In both appeals the Inspector noted that there was no significant difference between the appellant and the Council in terms of the calculations. The difference lay in the application of

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judgement as to whether the impacts calculated are acceptable or not, and points that bear on the way that judgement ought to be applied.

On the first issue (across both appeals) the Inspector noted the daylight sunlight results as follows to Arne House to the east of the site:

- The scheme in Appeal A would lead to significant adverse effects on daylighting to at least 52 of the 87 flats in Arne House (46 major adverse [that is less than 0.60 times the former value] and at least 6 moderate adverse [0.69 to 0.60 times the former value]) but negligible impact in terms of loss of sunlight.
- The Appeal B scheme would lead to significant adverse effects on daylighting to at least 58 of the 87 flats in Arne House (49 major adverse and at least 9 moderate adverse) but again, negligible impact in terms of loss of sunlight.

The following key points were noted as factors that are important to bear in mind in relation to flats at Arne House:

- The flats are dual aspect and larger living areas and main bedrooms face in the opposite direction (eastwards) towards Tyers Street and must receive much more significant amounts of daylight and direct sunlight (as opposed to the predominantly small kitchens, kitchen/diners, bathrooms and second bedrooms facing the appeal site which would lose relatively significant amounts of daylight).
- Many of the affected kitchens in Arne House are too small to qualify as habitable rooms for the purposes of the calculations (having regard to paragraph 1.3.19 of the Mayor of London's Housing SPG). Despite their limited dimensions, it was noted that residents use them as sitting and dining areas and many would lose relatively significant levels of daylight, but the resulting impact on residents' living conditions cannot be judged purely in those terms. From observation, the kitchens receive little in the way of daylight already, because of the overhanging deck access or roof overhang, and would be most likely to need electric lighting to facilitate use.
- The Inspector considered that given that these kitchens rely on electric lighting for most of the time anyway, the loss of even the relatively significant amounts of daylight calculated would make little difference to their pattern of use or the manner in which residents enjoy them.
- The same point above is applied to the second bedrooms and it was not considered that the loss of even significant amounts of daylighting would make any great difference to their pattern of use or enjoyment.

From the points above, whilst the proposals in Appeals A and B would lead to the loss of a significant amount of daylight to some rooms in Arne House, the Inspector did not find that the resulting impact on the living conditions of the residents concerned would be unacceptable.

At no. 79 Vauxhall Walk (Spring Gardens Court), the following key points were noted as factors to bear in mind:

- Account must be taken of an approved upward extension which had yet to be built, containing three flats, as well as the existing accommodation.
- The rooms affected in the premises would be kitchens, bedrooms and living rooms. Living rooms are the most important consideration; the bedrooms merit analysis too; but the

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kitchens are of the galley type and much too small to merit attention in terms of calculations.

- The property has a rather privileged position because of the minimal massing on the area of the appeal site it borders. As a result, the flats affected receive much higher levels of daylight and sunlight than one might reasonably expect, in such an urban location.
- The living rooms or bedrooms worst affected would be because of their awkward location on the corner of the building, or because of the influence of overhanging balconies. The way the building has been designed contributes to the impact.

Having regard to calculated losses of sunlight and daylight, the Inspector concluded that in the context of a Central London location and the points above, the impacts of the schemes subject of Appeals A and B in terms of the loss of daylight and sunlight would be well within reasonable bounds. He did not consider that the living conditions of the occupiers of 79 Vauxhall Walk would be undermined to an unacceptable degree by the proposals.

In terms of impact on the Walker Books' premises (Nos. 83-97 Vauxhall Walk), the Inspector noted that:

- Neither the development plan, nor the NPPF, seek to protect working (as opposed to living) conditions in a specific sense. That said, the impact of the proposals on Walker Books' premises is a material consideration, obviously.
- Calculations show that areas within the building would receive less sunlight and daylight as a result of the proposals than they do at present. The Inspector made the following comments:

"I saw nothing at my site visit which suggested to me any particular reliance on daylight (or sunlight) in the various processes that take place within the premises. To underline that, I observed film on the windows facing the appeal site that reduces the penetration of daylight as well as sunlight, blinds shutting off rooflights that themselves appeared in need of cleaning (which itself suggests they are not relied upon to any great extent), the use of general and task-based electric lighting, and a reliance by many operatives on computer screens, something that sunlight does not assist."

- Even if some areas do rely on daylight to a significant extent, some areas would be unaffected and it would not be particularly onerous for Walker Books to move such aspects of the operation to areas less affected.

On this basis, the Inspector concluded that neither appeal schemes would have an unacceptable impact on the Walker Books operation or the premises generally.

On the second issue (in relation to Appeal B only), the Council expressed concern about its visual impact on residents of Jameson House and Kennedy House. The Inspector observed that the existing courtyard is enclosed on three sides by these blocks of residential accommodation and currently bounded on the fourth side by a wall of varying heights that provides the southern extremity of the appeal site. This existing wall, which is rather unkempt and unattractive, already has a strong visual presence. The proposal would introduce a taller edifice that would increase the sense of enclosure, but it would be carefully designed and articulated and provide much more visual interest than the existing boundary. While it would have a

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stronger visual presence, it would not, in the Inspector's view, be a domineering or oppressive one, and it would provide a much-improved outlook for residents.

The Inspector concluded that the proposals in Appeals A and B would bring forward an extensive range of benefits with no unacceptable effect on the living conditions of occupiers of Arne House, Kennedy House, Jameson House or 79 Vauxhall Walk in terms of loss of sunlight or daylight or visual impact, or working conditions at Walker Books' premises at Nos. 83-97 Vauxhall Walk. For those reasons both appeals were allowed.

18/03773/FUL	Refusal - Town Planning	Graphite Square London SE11 5EE	Demolition of existing office, warehouse and church buildings (use classes B1, B8, and D1), and redevelopment of the site to provide a residential led mixed-use development with a podium building of ground plus 3 storeys (fronting onto Worgan Street) two buildings of ground plus 13 storeys (fronting onto Worgan Street) and ground plus 10 storey building (at the junction of Worgan Street and Jonathan Street) to provide 178 residential units, offices (use class B1), a ground-floor flexible retail/café/office (flexible use class A1/A3/B1), a replacement Methodist church (use class D1), and provision of a single level basement, together with servicing, car and cycle parking, and provision of new public realm and associated works.	Committee Decision	Refuse Permission	25.09.2019	Appeal Allowed
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See above

18/05301/FUL	Refusal - Town Planning	82 - 84 Clapham Park Road London SW4 7BX	Erection of a single storey extension to the front of the property (retrospective).	Delegated Decision	Refuse Permission	10.09.2019	Appeal Dismissed
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The appeal site comprises a ground floor commercial unit within a four-storey brick built block in a mixed-use parade. Residential properties are located directly overhead on the upper floors. Planning permission was sought for the retention of a single storey extension consisting of aluminium black frames with glazing to the sides and front and a retractable poly carbon roof.

The Inspector considered the main issues to be (i) the effect of the proposal on the character and appearance of the host building and the urban block and grain of the area, and (ii) the effect of the proposed extension of the living conditions of neighbours with respect to noise disturbance.

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On the first issue, the Inspector noted that the extension introduced discordant materials to the host building. The proposal was not considered to be high quality and was considered an incongruous addition that was unsympathetic to the form and materials of the main building, and was not a subordinate addition due to its prominence. The harmful effect was compounded by its prominent location and proximity to the highway. Interestingly the Inspector did not consider that the loss of open frontage and reduction in the footway was in itself harmful to the character and appearance of the building or wider area. However, the harm to the host building and the character and appearance of the area was significant due to the scale and form of the extension.

The Inspector concluded that the proposal would not accord with Lambeth Local Plan ('LLP') Policies Q5 (Local distinctiveness), Q6 (Urban design: public realm) and Q11 (Building alterations and extensions). However, the proposal would comply with LLP Policy ED7 (Evening economy and food and drink uses) in as much as it would allow for an adequate width of footway and not obstruct pedestrian flow.

On the second issue, the Inspector noted the adjacency of residential properties on the three floors above the commercial premises and that the frontage area was used in a similar manner to that prior to the extension being built, with customer sitting under umbrellas. However, the proposal would increase the usefulness of the space by providing weather protection and encourage its use throughout the year. It was noted that the canvas roof would have limited acoustic properties, and therefore when closed it would only marginally suppress evening noise level. Therefore, the duration and occasions of heightened noise levels would be likely to substantially increase in comparison to when customers sat under umbrellas.

The Inspector noted that a street licence had been granted permitting the use of this space up until midnight. However, it would not have assessed impact on residential amenity in planning terms. The Inspector did not consider that the extension could be properly or sufficiently regulated with a condition regarding hours of use, and as such the proposal would be significantly harmful to the living conditions of occupiers of nearby dwellings with respect to noise disturbance.

The Inspector concluded that the proposal would not accord with LLP Policy Q2 (Amenity), which seeks to support development whose adverse noise impact can be adequately reduced through mitigation. Furthermore, the proposal would be contrary to LLP Policy ED7 (Evening economy and food and drink uses) in so much as it seeks outdoor areas not to cause unacceptable harm to the amenity of adjoining residential properties.

The appellant put forward a case that the proposal reduced anti-social behaviour arising from stated damage to the outdoor seating area and also provided public benefit through its use as a community hub. The Inspector considered these to represent a limited benefit in favour of the appeal.

The Inspector went on to dismiss the appeal on both grounds.

18/04540/FUL	Refusal - Town Planning	12 Methley Street London SE11 4AJ	Installation of steel handrail around the flat roof of the existing rear extension and replacement of existing window with a door to the rear for access. (Retrospective)	Delegated Decision	Refuse Permission	02.09.2019	Appeal Allowed
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The appeal site is a mid-terraced two storey Venetian Gothic style property with a two-storey rear outrigger, located with the Kennington Conservation Area (KCA). The appeal proposal

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was for a 1.1m steel handrail around the roof of the rear outrigger and the insertion of a door to replace a window.

The Inspector considered the main issues of this appeal for retrospective permission to be (i) the effect of the proposed development on the character and appearance of the host dwelling and the KCA and (ii) the effect on the living conditions of occupiers of neighbouring properties having particular regard to overlooking.

On the first issue the Inspector considered that the character, appearance and significance of the CA is mainly drawn from the quality of the architecture presented to the front elevation of the terraces where there is clear uniformity in scale, design and materials. From site visit observations he noted that the rear of the terrace did not have a uniform appearance. A variety of changes had been made to neighbouring properties at Nos. 14 and 16 Methley Street. The appellant drew the Inspector's attention to other examples of railings and doors to access roof areas within the KCA. The Inspector noted that whilst such features were not historically common on properties of this type and form, it is evident that, through the passage of time and the needs of the occupiers, that rear extensions have been built where flat roofed areas have been used as amenity areas, some with the benefit of planning permission, that now form the character and appearance of this part of the CA.

Given the existing character to the rear of the appeal property, the Inspector concluded that the proposal would not have a negative effective on the significance of the KCA, a designated heritage asset. It would preserve the character and appearance of the host dwelling and KCA.

On the second issue, and the council's concerns about increased sense of overlooking to neighbouring gardens, the Inspector noted that the appellant had not applied for the use of the space as a roof terrace, but simply as a means of safe access for maintenance of a large rooflight. Given this intended use, the Inspector considered that activity on the roof would be infrequent during cleaning of the rooflight, and any sense of overlooking of neighbouring properties would be diminished. The Inspector concluded that the proposal would not conflict with policy Q2 (Amenity) of the Lambeth Local Plan (2015).

The council had suggested a planning condition that restricts the use of the roof as a balcony/roof terrace. The Inspector noted that this wasn't what was applied for, and as such the condition would not meet the tests for planning conditions as outlined in paragraph 55 of the NPPF.

The Inspector went on to allow the appeal with no conditions attached give its retrospective nature.

19/00230/FUL	Refusal - Town Planning	244 Brixton Hill London SW2 1HF	Erection of a roof extension to provide 2 additional 2 bed flats with front balconies, together with replacement of shop fronts and all windows/doors.	Delegated Decision	Refuse Permission	20.09.2019	Appeal Allowed
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The Inspector considered the main issues of the appeal to be (i) whether or not it is appropriate for the development proposed to provide a contribution towards affordable housing; (ii) the effect of the development proposed on the character and appearance of the surrounding area, and (iii) the effect of the development proposed on parking provision in the area.

On the first issue, the Inspector noted the restriction on affordable housing contributions from small sites detailed within the NPPF, but acknowledged that local circumstances may justify

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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 from the Council, the Inspector considered their 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 Lambeth Local Plan (LLP) Policy H2 (Delivering affordable housing).

The appellant disputed the council's nil existing use value for the roof space. Interestingly the Inspector agreed with the view and stated that the roof space should not have any value in the absence of any development consent, as it has no capability to generate a return. The appellant has submitted a unilateral undertaking for the Inspector's consideration with a financial contribution of £124, 248 towards the provision of affordable housing within the borough.

The Inspector concluded that it is necessary for the development to make a financial contribution towards affordable housing. In light of the completed UU, the development would not be contrary to LLP Policies D4 (Planning obligations) and H2 (Delivering affordable housing), which when read together seek to secure a financial contribution towards the delivery of off-site affordable housing through Section 106 agreements.

On the second issue, the Inspector noted the council's concerns that the proposed mansard roof would be incongruous and a dominant feature, due to it not being subordinate to the host building or the adjoining group, as well as its concerns that the proposed terraces to the front elevation are not a characteristic feature of the surrounding area. The Inspector considered that the mansard roof would not be visible or prominent from street level and the design and use of materials would enable it to blend in with its surroundings. Its overall scale would be in proportion to the host building and as a result it would not appear to be overly dominant or bulky. During the Inspector's site visit it was noted that a significant number of properties in the surrounding area had balconies or terraces above ground floor level. It was also determined that the development included significant improvements to the existing building including replacing shop fronts and windows on the first and second floors.

The Inspector concluded that the development would not have an adverse effect on the character and appearance on the surrounding area and would not be contrary to LLP Policies Q5 (Local distinctiveness), Q8 (Design quality: construction detailing) and Q11 (Building alterations and extensions).

On the third issue, the Inspector stated that there was no dispute with respect to the development proposed being car free and the applicant has submitted a UU which would place restrictions, prior to occupation, on the future occupiers of the development obtaining parking permits. On that basis the proposal complied with LLP Policy T7 (Parking) which seeks to ensure new development is acceptable in transport terms and any impact is mitigated.

The Inspector allowed the appeal.

18/04715/P3M	Refusal - Town Planning	94 Knight's Hill London SE27 0JL	Application for Prior Approval for the change of use of part ground floor from shop (Use Class A1) to a residential unit (Use Class C3) and the erection of a boundary wall.	Delegated Decision	Prior Approval Refused	20.09.2019	Appeal Dismissed
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The appeal proposal sought prior approval for the change of use of the ground floor of No. 94 Knight's Hill, a three-storey property, from retail use to use as a residential self-contained flat. It is located close to the junction with St. Julians Farm Road and close to a parade of retail units, which fall within the West Norwood District Centre. The council had concerns that the development proposed would result in the loss of an active retail frontage to the West Norwood District Centre and that there was no evidence that the floorspace had been actively marketed for Class A services. In addition, the development proposal failed to indicate details of cycle storage and a Section 106 agreement hadn't been provided to remove the rights of future occupiers from obtaining on-street parking permits.

The Inspector considered the issue to be whether the proposal would be permitted development under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Class M provides permitted development rights for change of use from retail (Classes A1 and A2), hot food takeaways (Class A5) and specified sui generis uses (betting office, pay day loan shop or launderette) to dwellinghouses (Class C3) subject to compliance with limitations and conditions detailed within the Order. The key issues in this prior approval application were the effect of the proposal on (i) the local transport network (i.e. whether the proposal should be 'car free') and (ii) the provision of retail and service provision within the designated West Norwood District Centre.

On the first issue, the Inspector noted that the site has a PTAL of 5. The UU submitted by the appellant was incomplete and therefore there was no certainty that an obligation to permit-cap the development and provide car club membership for future occupiers would be entered into. As a result the Inspector concluded that the development would result in additional stress for on street parking in the surrounding streets and would have an adverse impact on the local highway network.

In respect of cycle storage provision, the appellant argued that this is not a matter set out as a prior approval requirement in Class M. The Inspector agreed with the council's viewpoint that cycle parking is a matter related to the transport and highways impacts of the development. In the absence of details of cycle storage provision the Inspector concluded that the development would not comply with this provision under Class M.

On the second issue the Inspector noted that the appeal site did not appear to be divorced from the rest of the shopping area which had active shop and professional services ground floor uses nearby. As a result the site was considered to play an important role in the West Norwood District Centre offer. The Inspector wasn't persuaded on the appeal evidence that the retail unit had been actively marketed. In the absence of this evidence the loss of the retail unit would have an adverse impact on the shopping area and would not meet the provisions of Class M2.

The Inspector concluded that the development proposed would not be wholly compliant with the Class M of the GPDO and went on to dismiss the appeal.

18/02818/FUL	Refusal - Town Planning	80A Edgeley Lane London SW4 7UW	Conversion of the four bedroom residential unit into 1 x 1bed and 1 x 2bed units with part 1/1.5 storey rear extension and external alterations.	Delegated Decision	Refuse Permission	16.09.2019	Appeal Dismissed
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Edgeley Lane is a narrow lane that runs behind Clapham High Street and gives access to buildings that face the High Street, as well as to other properties on the other side of the lane. No. 80A is an independent unit at the rear of a shop that faces Clapham High Street. The appeal building comprises a four-bedroom family house with a secluded garden in front of the house, bounded by a high wall. The property itself has only a single aspect, with access from Edgeley Lane. The property is located within the Clapham High Street Conservation Area (CHSCA).

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The proposed development would involve the construction of an extension into the garden area to the frontage together with the conversion and adaptation of the building to form two flats.

The Inspector considered the main issues of this appeal to be (i) the effect of the proposed development on the character and appearance of the surroundings, in the Clapham High Street Conservation Area, (ii) the effect of the proposed development on the quality of life of neighbours (whether unacceptable harm would be caused by overbearing appearance, overshadowing or loss of privacy), (iii) whether the scheme would provide satisfactory living conditions for occupiers of the proposed new residential units, (iv) the effect of the proposed development on the supply of family housing in the locality, and (v) whether the scheme would accommodate the need to prevent unnecessary congestion due to on-street parking and the need to provide for affordable housing in the Borough.

On the first issue, the Inspector noted that the proposed extension would take up a significant proportion of the existing garden, eroding the remaining open character of this part of the lane, and it would have a clumsy appearance. Thus, the additional building bulk and the form of the extension would have an adverse impact on the character and appearance of the CHSCA and would be unacceptable in planning terms.

On the second issue, the Inspector concluded that the proposed development would not have an undue impact of the quality of life of people living at No. 78 Edgeley Lane (to the north), either by overbearing appearance, overshadowing or loss of privacy.

On the third issue, the Inspector considered that the new homes would be reasonably spacious in feel notwithstanding one of the double bedrooms breaching the Nationally Described Housing Standards. The Inspector noted that their garden spaces would be substandard, however, and this consideration must weigh in the balance against the development, though it might not be sufficient alone to justify a refusal of planning permission, if there were no other grounds of objection.

On the fourth issue, the Inspector concluded that the loss of a family-sized unit would be unacceptable in the context of relevant development plan policy [NOTE: the relevant development plan policy is policy H6 (Residential conversions) and not policy H4 (Housing mix in new developments) as detailed in the appeal decision].

On the fifth issue, the Inspector noted traffic conditions in this part of London make it necessary for the site to be secured as a car parking permit free development, with a related contribution to car club membership. A financial contribution towards affordable housing provision was also considered to be justified.

The Inspector went onto dismiss the appeal as the objections identified above were no outweighed by the benefits of the proposal.

18/04814/FUL	Refusal - Town Planning	15 Kempshott Road London SW16 5LG	Demolition of existing storage building and erection of a single storey dwelling (Use Class C3) with associated landscaping and provision of refuse/recycling and cycle storages together with car parking.	Delegated Decision	Refuse Permission	11.09.2019	Appeal Dismissed
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The appeal site sits to the side and rear of No. 15 Kempshott Road. The appeal proposal is to demolish the existing garage and construct a single storey two bedroom property with

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courtyard, with foot access provided along the side elevation of No. 15.

The Inspector considered the main issues of this appeal to be (i) whether the proposal would provide an appropriate provision for affordable housing; (ii) the effect of the proposal on the living conditions of the occupiers of 13 and 15 Kempshott Road with regard to outlook, privacy, noise and disturbance; (iii) whether the amenity provision would be of sufficient quality; and (iv) the effect of the proposal on the character and appearance of the area.

On the first 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 from the Council, the Inspector considered their 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 Local Plan Policy H2. The Inspector advised that affordable housing could not be secured through condition as suggested by the appellant, and in the absence of a UU, upheld this reason for refusal noting the proposal would conflict with Lambeth Local Plan Policy H2 (Delivering affordable housing).

On the second issue, the Inspector noted the council's concerns that the appeal proposal, by reason of its close proximity to and height above the existing boundary treatment, would result in a sense of enclosure and loss of outlook to the occupiers of Nos. 13 and 15 Kempshott Road. The Inspector referenced the findings of the appellant's submitted sun path analysis which found there would be no significant loss of sunlight to the gardens of either of the above properties. It was noted that the appeal proposal would have little separation from the boundary with the adjoining gardens. However, the Inspector noted that robust planting close to the boundaries already adds a sense of height to the existing boundary treatment. As a result of this this, and the findings of the sun path analysis, the Inspector did not find any significant adverse effect on the living conditions of the adjoining occupiers.

On the third issue, the Inspector noted that the proposal would be modest in scale compared to the imposing frontage building. The limited height of the building would be reflective of nearby backland development particularly in relation to a block of garages which sit immediately to the south-west of the site. Consequently, the Inspector concluded that the proposal would be acceptable in terms of its effect on the character and appearance of the area and would therefore accord with LLP Policy Q14 (Developments in gardens and on backland sites) in relation to the development of backland sites.

On the fourth issue, the Inspector noted that the proposal amenity space would include parts of the access path to the site and the garden areas of this path should be taken into account. The proposal acceptably demonstrated that the space would receive sufficient sunlight in summer when it was most likely to be used and concluded that the amenity space provision was acceptable.

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

19/00091/FUL	Refusal - Town Planning	250 Abercairn Road London SW16 5AL	Retention of two-storey side extension and single storey rear extension.	Delegated Decision	Refuse Permission	02.09.2019	Appeal Allowed
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The Inspector considered the main issues of this appeal to be (i) the effect of the development on the character and appearance of the area and (ii) the effect of the development on the living conditions of the nearby occupants of No 252 Abercairn Road with particular reference to outlook.

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On the first issue the Inspector noted the principle of extending the property in this way had been established by two previous approvals which between them had allowed a similar extent of accommodation. The appearance of the extension, from the road and from the park beyond the rear boundary, would be visually subservient to the host property and would not appear overbearing. The two storey part would be set back from boundaries and from the rear face of the single storey extension. The development would not be out of character in a residential area which already has a variety of extensions to existing properties and adequate garden space would be retained.

On the second issue the Inspector noted the south westerly aspect would allow direct sunlight into the existing garden of the adjoining house at No 252 Abercairn Road for much of the day and found that the single storey part of the new extension, based on site visit observations, did not have an unacceptable impact on levels of daylight and sunlight and did not seriously overshadow neighbouring windows. The Inspector considered that the location of rooms and the position of windows maintained privacy and did not lead to unacceptable overlooking between neighbouring houses.

For these reasons the Inspector went on to allow the appeal.

19/00697/FUL	Refusal - Town Planning	130 Landor Road London SW9 9JB	Change of use of ground floor from Use Class A3 (restaurant/cafe) to Use Class C3 (residential) to create one ground floor flat, together with creation of a courtyard for ventilation and light penetration, and alterations to front elevation including new fenestration and to accommodate waste storage. (To Ground Floor)	Delegated Decision	Refuse Permission	03.09.2019	Appeal Dismissed
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The appeal site is the ground floor of a three-storey, mid terraced property on the northern side of Landor Road. The ground floor was last occupied as a café/restaurant (Class A3), but is now vacant. It is located within an undesignated parade of shops, but is located approx. 180m away from the Landor Local Centre to the south-west.

The Inspector considered the main issues of this appeal to be (i) the effect of the proposal on the provision of active frontage uses in the Borough, (ii) whether the proposal makes adequate provision for cycle parking and refuse storage provision; (iii) whether the proposal makes adequate provision for affordable housing; and (iv) the effect of the proposal on parking pressure in the local area.

On the first issue the Inspector noted that the property had not been marketed for alternative Class A or D uses for a period of 12 months in accordance with the requirements of Lambeth Local Plan (LLP) Policy ED10 (Local centres and dispersed local shops). The Inspector noted, but gave little weight to prior approvals granted for schemes at Nos. 120 and 122 Landor Road, which resulted in the conversion of these properties into residential flats from retail (Use Class A1). He noted that policy ED10 is more widely drawn as it requires consideration of alternative Class A or D uses compatible with the location. The Inspector observed that whilst nearby properties may have been converted to residential, there was no substantive marketing evidence to show that the appeal property could not provide a valuable service in meeting the day-to-day needs of communities. He concluded that the proposal would have a significant effect on the provision of active frontage uses in the Borough, thereby conflicting with policy ED10.

On the second issue the Inspector noted that no cycle parking was shown on the submitted plans and the rear courtyard was the only possible location that could support the required

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provision of two spaces (Policy 6.9 of the London Plan). The rear courtyard solution would be a disincentive to some occupants from using a bicycle as they would need to navigate through two doors and a corridor which would wind around a staircase and a bathroom. The Inspector commented that the proposed provision *'needs to work for everyone and not just the few'*.

The Inspector also considered the waste storage arrangements next to the front door to be unsatisfactory. He remarked that it was unclear whether they would be large enough to accommodate the two required 240 litre receptacles, and there was no details of where the upper floor flat would store their refuse and recycling. Given this uncertainty, the Inspector did not consider that a planning condition could be used to secure further details. As such the Inspector concluded that the proposal could not make adequate provision for cycle parking and refuse storage provision, and would therefore conflict with LLP Policies T1 (Sustainable travel), T3 (Cycling), T6 (Assessing impacts of development on transport capacity), Q12 (Refuse/recycling storage), Q13 (cycle storage) and London Plan Policy 6.9 (Cycling).

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 from the Council, the Inspector considered their 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 Local Plan Policy H2. As no viability assessment had been submitted by the appellant the Inspector was unable to assess the viability of the proposal and determine whether an affordable housing contribution could be made in this case. The Inspector therefore concluded that the proposal would not make adequate provision for affordable housing and thus did not accord with LLP Policies H2 (Delivering affordable housing) and D4 (Planning obligations).

On the fourth issue the Inspector noted that the Unilateral Undertaking submitted by the appellant included provisions to restrict residents parking permits and provide for car club membership. However, the Inspector commented that due to a drafting issue the UU would not be enforceable or binding on any successors in title. As such, the Inspector concluded that the proposal would unduly add to the existing parking pressure in the local area and would not accord with LLP Policies D2 (Presumption in favour of sustainable development), D4 (Planning obligations), T1 (Sustainable travel), T6 (Assessing impacts of development on transport capacity) and T7 (Parking).

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

18/04295/FUL	Refusal - Town Planning	Land To The Rear Of 130 And 132 Norwood Road London SE24 9AY	Erection of a part single, part two storey dwellinghouse with a basement level including the provision of external amenity space, refuse and cycle storage and boundary treatment following demolition of the existing disused domestic garage.	Delegated Decision	Refuse Permission	20.09.2019	Appeal Dismissed
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The appeal site covers the rear width of plots of two semi-detached properties facing onto Norwood Road which have been converted to flats, and has a frontage onto Romola Road. The site consists of a single-storey flat roofed building used for ancillary storage in association with the adjacent subdivided dwellings.

The Inspector considered the main issues to be (i) the effect of the proposed dwelling on the character and appearance of the local area; (ii) the effect of the proposal on the living

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conditions of both future occupiers in terms of the quality of the internal and external basement accommodation and its outlook, and privacy; and on existing occupiers at Nos. 128-132 Norwood Road and No.1 Romola Road in terms of outlook and privacy; (iii) whether the proposal would provide an adequate provision of affordable housing, and (iv) whether the proposed dwelling would make an adequate provision towards sustainable travel.

On the first issue, the Inspector noted that the dwellings on Romola Road have common characteristic materials including brick, stone and clay tile pitched roofs. Plot widths, set-backs and prominent two-storey bay windows are also common features. The existing site was considered to make a positive contribution to the character and appearance of the area. It was noted that the proposal would include mono-pitched zinc roofs, timber cladding and would fail to naturally follow the existing curvature of Romola Road. Instead the proposal would be highly visible and overt from the highway. The Inspector considered that the proposal shares no meaningful characteristics with the local architectural vernacular. The proposed development would have a discordant roof shape and uncommon materials being predominantly timber clad. The proposal would be a prominent addition to the site and would not integrate well with its surroundings. These effects would result in a form that would be out of keeping and harmful to the local area.

On the second issue, the Inspector noted that the use of lightwells to serve two bedrooms at basement level would be substantially compromised due to the scale of the proposed ground floor cantilevered balcony. The functionality of the lightwell would also be compromised by surrounding built form. Also the high level boundary slot windows facing towards the rear of Nos. 130-132 Norwood Road could become obscured in the future due to them overlooking land beyond the application site. The appellant's daylight and sunlight report indicates that the basement bedrooms would have limited access to natural daylight. This would be in addition to its poor outlook into a constrained space. This Inspector concluded that this would result in a substantially harmful impact on the living conditions of future occupiers.

In terms of the proposed external amenity space, it would be around 34sqm but would be piecemeal. It would be arranged around the dwelling in a manner that would render it largely impractical for most day-to-day use and therefore be of limited value to the future occupiers. Furthermore, the largest single area would be located on the Romola Road frontage and would therefore be the least private. On this basis the Inspector considered that the proposed external amenity space would be poor quality and of limited worth.

The projecting rear returns of No's 130 and 132 include rear facing windows which would overlook the proposed development. As a consequence, the proximity would be significantly harmful to future occupiers of the proposal due to lack of privacy. The proposal would also have an adverse effect on the living conditions of existing occupiers of No.1 Romala Road situated adjacent to the proposal. It has a small rear and side garden with limited outdoor private space. The proposed first floor terrace would result in a substantial loss of privacy to the occupiers. The terrace would also overlook the rear courtyard of Nos. 130 and 132. Furthermore, the rear window in the proposed kitchen would overlook the private rear garden of No.128 Norwood Road. The rear view of Nos. 130 and 132 would suffer a substantial loss of outlook, due to the proximity and scale of the proposal. As such, the proposed dwelling would be substantially harmful to the living conditions of existing occupiers through overlooking and loss of outlook.

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 from the Council, the Inspector considered their 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 Local Plan Policy H2. In the absence of an affordable housing contribution, the proposal would not accord with LLP Policies H2 (Delivering affordable housing) and D4 (Planning obligations).

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On the fourth issue, the Inspector noted that the development should be car free due to the high PTAL and relatively high demand for on street parking. A legal agreement requiring the appellant to prevent future occupants from applying for a resident parking permit, would be both necessary and reasonable. The proposal would be contrary to policies T6 (Assessing impacts of development on transport capacity), T7 (Parking) and D4 (Planning obligations) in the absence of a legal agreement to secure car free.

The Inspector dismissed the appeal.

18/05244/FUL	Refusal - Town Planning	13 Oakden Street London SE11 4UQ	Erection of a mansard roof extension with 2 front dormer windows.	Delegated Decision	Refuse Permission	05.09.2019	Appeal Dismissed
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The appeal property is a three storey terraced house over semi-basement located within the Walcot Conservation Area (WCA). The proposal sought permission for a lead clad mansard roof extension which would be set back approx. 2.3m from the frontage parapet.

The Inspector considered the main issue to be whether the development would preserve or enhance the character or appearance of the Walcot Conservation Area.

The Inspector considered that the significance of the WCA derives from the uniformity of design, materials, and largely unaltered London roof forms found on the host and surrounding terrace, which combines to create a strong visual coherence and attractive townscape. The Inspector noted that the appeal property and terrace is typical of this character and thus makes an important and positive contribution to the character and appearance of the CA and its significance as a designated heritage asset.

It was accepted that from directly in front of the appeal property the roof extension would be barely visible at street level given the proposed setback, but would be clearly noticeable from Wincott Street and the cut through to Oakden Street, as well as from the upper floors of the terrace on the opposite side of Oakden Street. The extension would disrupt the horizontal flow of the parapet, and in combination with the extension to No 15, would be highly intrusive and incongruous. Furthermore, the rear of the roof extension would be visible from Bishops Terrace and the rear of the terraced properties in St Marys Gardens. From here the boxy form and lateral ridge line of the extension would disrupt the distinctive symmetry and rhythms produced by the repetitive pattern of the peaks and valleys of the characterful London roof form, both individually and cumulatively with the extension to No 15.

The Inspector concluded that the development would cause less than substantial harm to the character and appearance of the building and to the visual coherence and distinctiveness of the area, and thus, would fail to preserve or enhance the character or appearance of the CA.

The Inspector went on to dismiss the appeal.

The remaining 6 appeals all relate to prior approval applications for the installation of telecommunications equipment, which in this instance are freestanding payphone kiosks (public call boxes). The applications were made under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015.

Certain forms of development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network are 'permitted development' and only subject to prior approval from the local planning authority. The prior approval procedure means that the principle of development is not an issue. In

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determining these appeals the Inspectors were limited to only considering the siting and appearance of the proposed kiosks.

The local planning authority determined that prior approval was required and refused for each of the applications.

The appellants in this instance were Infocus Public Networks Ltd for the first appeal (17/04803/G24) and Maximus Networks Ltd for the other 5 appeals. All 6 appeals were dismissed.

It should be noted that development consisting of the installation, alteration or replacement of a public call box is no longer permitted development following amendments to Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015, which came into force on 25th May 2019. The refused applications were submitted in advance of this date, and were therefore considered under transitional arrangements as set out in the relevant statutory instrument.

17/04803/G24	Refusal - Town Planning	Outside 128 Clapham Common South Side London SW4 9DF	Installation of solar powered telephone kiosk	Delegated Decision	Prior Approval Refused	26.09.2019	Appeal Dismissed
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The appeal related to a freestanding payphone kiosk which would be a broadly rectangular structure. It would be three sided with asymmetrical panels of safety glass in a powder coated metal frame.

The Inspector considered the main issues of this appeal to be (i) the effect of the proposal on the safety of highway users, (ii) the effect of the proposal on the character and appearance of the local area; and (iii) the effect of the proposal on heritage assets.

On the first issue, the Inspector noted that in this location the pedestrian flow runs close to the road itself and that on the site visit pedestrians chose to walk the path close to the road even in the sections of pavement that were wider. The siting of the kiosk would disrupt the established pedestrian flow but would not be dangerous due to the location of the forecourt parking and the pavement being much wider. The Inspector was satisfied that the siting of the kiosk would not cause undue risk to highway users.

On the second and third issues the Inspector noted that the pavement area is tree lined with a modest amount of street furniture which makes a positive contribution to the Clapham Conservation Area. The Inspector noted that the siting of the kiosk would be at odds with the positioning and rhythm of existing street furniture and would appear as an incongruous feature in an open, uncluttered pavement. The proposal would be detrimental to the street scene and the character and appearance of the Clapham Conservation Area.

The Inspector went on to dismiss the appeal and concluded that whilst there was no undue risk to highway users, the proposal would harm the character and appearance of the streetscape and the Clapham Conservation Area.

18/00652/G24	Refusal - Town Planning	Telephone Kiosk Outside 409 Kennington Road	Application for prior approval for the installation of 1 telephone kiosk.	Delegated Decision	Refuse Permission	06.09.2019	Appeal Dismissed
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The Inspector considered the main issues to be the effect of the siting and appearance of the call box on (i) the street scene including whether the proposal would preserve or enhance the character or appearance of the adjacent Kennington Conservation Area (KCA) and St Marks Conservation Area (SMCA) or the setting of the Grade II Listed Kennington Park or any Listed Buildings (LB) within which the site may be located; and (ii) the safe and efficient operation of the highway.

On the first issue the Inspector noted that there is a wide variety of street furniture situated around the junction and throughout the conservation areas, and the proposal would have a neutral effect on the setting of these, and would not unduly interrupt views of the heritage assets and how they are experienced. However, the proposal would be viewed in conjunction with the existing street furniture, and the proposal's siting and appearance would lead to unnecessary street clutter contrary to LLP Policies T10 (Telecommunication), Q5 (Local distinctiveness) and Q6 (Urban design: public realm) and London Plan Policy 7.5 (Public realm); which jointly, among other things, seek proposals to not create unacceptable clutter in the public realm. Therefore, the proposal would not function well or add to the overall quality of the area as sought by paragraph 127 of the NPPF.

On the second issue the Inspector noted that the proposal would not significantly harm pedestrian movements and would accord with The Transport for London Streetscape Guidance, allowing sufficient space on the kerb side free of clutter. It was noted that sightlines would not be affected. No harm was identified.

The Inspector went on to dismiss the appeal based on the first issue.

18/00647/G24	Refusal - Town Planning	Telephone Kiosk Outside Leary House Kennington Lane London	Application for prior approval for the installation of 1 telephone kiosk	Delegated Decision	Refuse Permission	06.09.2019	Appeal Dismissed
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The Inspector considered the main issues to be (i) the effect of the siting and appearance of the proposed call box on the street scene and (ii) the safe and efficient operation of the highway.

On the first issue the Inspector observed the presence of street trees and street furniture along the road. However, the proposed call box would be bulkier and wider than the existing street furniture, resulting in its prominence on the pavement. It would add to the spectrum of street furniture in the area and create unacceptable clutter within the street scene, thereby resulting in a conflict with LLP Policies T10 (Telecommunication), Q5 (Local distinctiveness) and Q6 (Urban design: public realm) and London Plan Policy 7.5 (Public realm insofar as they jointly, among other things, seek developments to not create unacceptable clutter in the public realm. Moreover, the proposal, would not function well or add to the overall quality of the area as sought by paragraph 127 of the NPPF.

On the second issue the Inspector noted that the proposal would accord with the Transport for London Streetscape Guidance in terms of its distance from the kerb. However, pedestrians cross the road shortly before the junction even though there is a pedestrian crossing here. Thus, the size of the call box would, together with the regularity of street trees and other street

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furniture before the crossing, adversely affect pedestrian's visibility of traffic travelling along Kennington Lane, despite the low pedestrian flow and would conflict with LLP Policies T1 (Sustainable travel), T2 (Walking) and T10 (Telecommunications) and LP Policy 6.10(B) (Walking); which jointly require development proposals, among other things, to ensure high quality pedestrian environments that reduce the level of road danger by not blocking visibility splays.

The Inspector went on to dismiss the appeal.

18/00651/G24	Refusal - Town Planning	Telephone Kiosk Outside 412 Kennington Road London	Application for prior approval for the installation of 1 telephone kiosk.	Delegated Decision	Refuse Permission	06.09.2019	Appeal Dismissed
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The Inspector considered the main issues of this appeal to be (i) the impact of the proposal on the street scene including whether the proposal would preserve or enhance the character or appearance of the adjacent Kennington Conservation Area (KCA) and the St Marks Conservation Area (SMCA) or the setting of the Grade II Listed Kennington Park or any Listed Buildings (LB) within which the site may be located, and (ii) the safe and efficient operation of the highway.

On the first issue the Inspector noted the call box would be sited next to the road and add to a line of existing street furniture. Given the site's location and the array of street furniture nearby and throughout the KCA and SMCA, he consider that the proposal would have a neutral effect on the setting of Kennington Park Lodge, Kennington Park, the KCA and SMCA as it would not unduly interrupt views of these heritage assets and how they are experienced.

On the second issue the Inspector noted that the proposal would accord with the Transport for London Streetscape Guidance in terms of its distance from the kerb, notwithstanding the Council's stance that a 500mm gap is required from the edge of the kerb. As such, the proposal would not harm the safe and efficient operation of the highway.

However, the Inspector concluded that the addition of the call box would create unacceptable clutter. Thus, the proposal would be contrary to LLP Policies T10 (Telecommunication), Q5 (Local distinctiveness) and Q6 (Urban design: public realm) and London Plan Policy 7.5 (Public realm); which jointly, among other things, seek proposals to not create unacceptable clutter in the public realm

18/00650/G24	Refusal - Town Planning	Telephone Kiosk Outside Tesco Kennington Lane London	Application for prior approval for the installation of 1 telephone kiosk.	Delegated Decision	Refuse Permission	06.09.2019	Appeal Dismissed
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The Inspector considered the main issue of this appeal to be (i) the effect of the siting and appearance of the proposed call box on the street scene.

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It was noted that the call box would be sited in the centre of the pedestrian footway next to an equipment cabinet and a street tree, while a street lighting column is next to the kerb. Due to its siting and appearance, the Inspector considered that it would be prominent on this section of pavement when viewed in conjunction with the plethora of street furniture nearby and the two existing phone boxes sited on the opposite side of Kennington Lane.

It would result in clutter within the street scene, and the Inspector identified a conflict with LLP Policies T10 (Telecommunication), Q5 (Local distinctiveness) and Q6 (Urban design: public realm) and London Plan Policy 7.5 (Public realm) insofar as they jointly, among other things, seek developments to not create unacceptable clutter in the public realm. Moreover, the proposal, would not function well or add to the overall quality of the area as sought by Framework paragraph 127.

The Inspector went on to dismiss the appeal.

18/00640/G24	Refusal - Town Planning	Telephone Kiosk Outside Lambeth Road Junction Kennington Road London	Application for prior approval for the installation of 1 telephone kiosk	Delegated Decision	Refuse Permission	06.09.2019	Appeal Dismissed
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The Inspector considered the main issues of this appeal to be the effect of the siting and appearance of the proposed call box on (i) the street scene; and (ii) the safe and efficient operation of the highway.

On the first issue, the Inspector noted that the proposed call box would be sited within a deep pedestrian footway which is populated by a wide variety of street furniture. The siting of the proposal would align with other street furniture in terms of its relationship with the kerb, but it would be bulkier and wider. As a result, the proposal would be a prominent addition to the pavement on approach from the east or west. Furthermore, it would add unnecessarily add to the existing street clutter.

On the second issue, the Inspector considered that while the proposal would be close to a street lighting column and a public notice, it would, notwithstanding its orientation, leave an adequate footway width for pedestrians to safely use unobstructed. Also, the proposal would accord with the Transport for London Streetscape Guidance in terms of its distance from the kerb.

The Inspector concluded that the siting and appearance of the call box would result in harm to the streetscene and would conflict with LLP Policies T10 (Telecommunication), Q5 (Local distinctiveness) and Q6 (Urban design: public realm) and London Plan Policy 7.5 (Public realm) insofar as they jointly, among other things, seek developments to not create unacceptable clutter in the public realm. Moreover, the proposal, would not function well or add to the overall quality of the area as sought by Framework paragraph 127.

The Inspector went on to dismiss the appeal.

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	Allowed	Dismissed	Mixed
Month total	5	13	0
Financial year to date	24	59	4