

**PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/02/2016 AND 29/02/2016**

Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
15/01633/LB	Refusal - Town Planning	33 Belgrave House 1 Clapham Road London SW9 0JP	Alterations to the existing mezzanine floor to create an additional bedroom and demolition of a non structural walls in the living area together with the rearrangement of the stair to the upper bedroom and extending the walkway to access the upper bedroom and the storage space.	Delegated Decision	Refuse Permission	11.02.2016	Appeal Allowed
<p>The appeal inspector considered the main issue to be the impact of the works on the special interest of the building; specifically the spatial qualities of the internal space. The proposal would enclose the existing volume by inserting walls which would change the scale and shape of the original internal space. The building was constructed as a children's hospital and is now a dwelling with a mezzanine inserted to allow residential use whilst retaining the large volumes characteristic of the original use. The inspector considered that whilst the proposal would change the shape and spatial qualities of the space, it would still be double height and some appreciation of the original volume would remain. The proposal would also remove an internal (modern) wall which would partially open up the space, and the inspector considered that when viewed as a whole that there would still be a tall, open internal volume which would retain some of the building's spatial qualities and would not cause unacceptable harm to the special interest of the building. The inspector went on to dismiss the appeal.</p>							
15/00105/FUL	Refusal - Town Planning	2 Hopton Parade Streatham High Road London SW16 6EP	Change of use from Internet Cafe (use Class A1) to a mixed use comprising of a mini cab office (sui Generis) and Internet Cafe (Use Class A1).	Delegated Decision	Refuse Permission	10.02.2016	Appeal Dismissed
<p>The Inspector considered the main issue to be the implications of the proposal for on street parking and the safe and free flow of traffic in the vicinity of the appeal site.</p> <p>The Inspector found the appellant's proposed use of on-road parking on Hopton Road to be unlikely, for a variety of reasons, to be attractive to drivers as a pick up point for customers. Consequently, the Inspector found there to be a very real possibility of mini cabs stopping in front of the appeal premises, where there is a bus lane and two bus stops, and insufficient enforcement measures in place to deter parking and obstruction of this area. The Inspector thus found there to be no harm arising from on street parking but the risk of obstruction to the safe and free flow of traffic on Streatham High Road outweighed the merits of the proposal.</p> <p>The Inspector went on to dismiss the appeal.</p>							
15/00018/FUL	Refusal - Town Planning	50 Cavendish Road London SW12 0DG	Conversion of existing second floor level to provide a 1 bedroom studio flat.	Delegated Decision	Refuse Permission	11.02.2016	Appeal Allowed

The Inspector considered the main issues of this appeal to be (a) the acceptability of the quality of the proposed accommodation with regard to its floor space (b) car parking provision, and (c) provision for cycle storage.

**PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/02/2016 AND 29/02/2016**

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

In connection with (a) the Inspector noted that the reliance on the Council's SPD which has little weight should be superseded by Policy 3.5 of the London Plan and the size of the flat is compliant with the space required to house a single person. Furthermore, the proposed residential unit would adhere with the recently (October 2015) issued 'Technical housing standards', and thereby concluded that the proposed flat, having regard to policy 3.5 of the London Plan, would provide acceptable and satisfactory living accommodation for a single person in terms of its internal space standards.

In connection with (b) relating to parking, the Inspector noted that although no car parking space can be provided off-street given the physical constraints of the site, the inspector had doubts as to whether future residents of a flat of this size would create parking demand, which in any event can be secured as car-free by a s106 agreement or Unilateral Undertaking to resolve this matter.

Finally, in connection with (c) relating to cycle storage, the Inspector agreed with the Council that the cycle storage proposals are unsatisfactory since they fail to meet several of the detailed requirements of Local Plan Policy Q13, especially the objective of accessibility, and are therefore unlikely to be used in practice. However, it was noted that on balance, that this is not a sufficient reason, in itself, to withhold permission.

The Inspector went onto allow the appeal subject to conditions inclusive of a condition to secure cycle provision in accordance with those details already shown on the plans.

14/06672/FUL	Refusal - Town Planning	400 - 402 Coldharbour Lane London SW9 8LF	Change of use to Use Class A3 (restaurants and cafés) together with low level extraction system and installation of a new shop front and associated alterations.	Committee Decision	Refuse Permission	11.02.2016	Appeal Dismissed
--------------	-------------------------	---	--	--------------------	-------------------	------------	------------------

The Inspector considered the main issue of this appeal to be the effect of the proposal on the amenity of neighbours, due to noise, disturbance and odour. The Inspector concluded that noise and disturbance would not harm residential amenity. However, having reviewed the technical specification of the extraction system and the site the Inspector was concerned that the flats immediately above the restaurant would be adversely impacted by odours, and that the risk of the extraction system failing to filter out all odours was very high. The appeal was therefore dismissed. A costs application was made but was dismissed.

15/04055/FUL	Refusal - Town Planning	1A Dorset Road London SW8 1EF	Proposed demolition of two storey build and redevelopment of vacant land to provide four single storey dwellings with basements	Delegated Decision	Refuse Permission	13.02.2016	Appeal Dismissed
--------------	-------------------------	-------------------------------	---	--------------------	-------------------	------------	------------------

The inspector considered the main issues of this appeal to be whether the proposal made adequate provision for affordable housing; the effect of the proposed development on the living conditions of the occupiers of surrounding properties, with particular regard to noise, disturbance and privacy; whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to outlook; and the effect of the proposed development on on-street parking.

**PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/02/2016 AND 29/02/2016**

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

The Inspector concluded that the proposed development would be acceptable in terms of its effect on living conditions and on-street parking and that it would provide an innovative development solution which would maximise the use of a redundant brownfield site. However, it was noted that as proposed, the scheme would make inadequate provision for affordable housing, which is a legitimate and important objective of all new housing developments in Lambeth and it would, as such, be contrary to the newly adopted Local Plan. The Inspector considered that making the maximum reasonable contribution towards affordable housing in line with the methodology in the Local Plan would not threaten the viability and deliverability of the proposed development. Accordingly, for the reasons given above the appeal was dismissed.

15/03796/FUL	Refusal - Town Planning	60 Vassall Road London SW9 6HY	Demolition of existing rear extension and the erection of a single storey full width rear extension with four roof light and the replacement of all existing windows with timber framed double glazed sash windows	Delegated Decision	Refuse Permission	01.02.2016	Appeal Dismissed
--------------	-------------------------	--------------------------------------	--	--------------------	-------------------	------------	------------------

The Inspector considered the main issues of this appeal to be the effect of the proposed extension on the character and appearance of the host property, and whether the character or appearance of the Vassall Road Conservation Area (CA) would be preserved or enhanced.

On the first issue the Inspector noted that the main and only reservation as to the design is the adoption of a pitched roof to the rear. Such a roof, although slated, would be plainly seen above the rear garden wall and in the inspectors view would prove incongruous sitting alongside the flat roof at No 62. The inspector concluded that the proposed extension, in view of its roof design, would result in harmful visual consequences in respect of the host property and the CA, the character and appearance of the CA would also not be preserved or enhanced and the Inspector went on to dismiss the appeal.

15/03591/FUL	Refusal - Town Planning	37 Copley Park London Lambeth SW16 3DB	Erection of a part single storey and part two storey rear/side extension.	Delegated Decision	Refuse Permission	01.02.2016	Appeal Allowed
--------------	-------------------------	---	---	--------------------	-------------------	------------	----------------

The Inspector considered the main issues of the appeal to be 1) the effect of the proposed extension on the character and appearance of the host property, and 2) whether the character and appearance of the Conservation Area would be preserved or enhanced.

On the 1st issue the Inspector noted that the appeal dwelling was a semi-detached property at the junction of Copley Park and Heybridge Avenue with narrow gaps between its adjacent pair, allowing the properties to be viewed as a terrace. The appeal dwelling has already undertaken extensions that has already altered the symmetry of the pair. The 1m side gap in the SPD is to prevent terracing and as such is not relevant here. The side area is already infilled with a single storey extension and as such it is considered that the proposed extensions would be modest, well designed and would not give rise to any harmful visual consequences.

On the 2nd issue the Inspector noted that the report did not refer to any appraisal of the Conservation Area and there was no indication provided as to the significance of the heritage asset. The proposed extensions would sit acceptable within the townscape setting and it was considered that the proposal would preserve the character and appearance of the

**PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/02/2016 AND 29/02/2016**

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

Conservation Area.

As such, the Inspector allowed the appeal subject to conditions.

15/02770/FUL	Refusal - Town Planning	96 Downton Avenue London SW2 3TS	Conversion of single dwelling (four bedrooms) into three self-contained flats (1 studio flat, 1 x 1 bed flat, 1 x 3 bed flat)	Delegated Decision	Refuse Permission	03.02.2016	Appeal Allowed
--------------	-------------------------	--	---	--------------------	-------------------	------------	----------------

The Inspector considered the main issues of the appeal to be 1) accommodation space and 2) level of light.

On the 1st issue the Inspector noted that there was dispute between both parties as to the internal floor area of proposed Flat 3. The Inspector concluded that the internal floor area of Flat 3 would exceed the minimum requirement.

On the 2nd issue the Inspector noted that the proposed third bedroom of Flat 1 would have a large window but would have poor outlook and reduced daylight, however since the remaining habitable rooms would receive adequate levels of light and have acceptable outlook it is not considered that the third bedroom should be a reason for refusal.

The Inspector concluded that the proposal would provide adequate and acceptable living conditions and as such allowed the appeal subject to conditions.

15/03028/FUL	Refusal - Town Planning	17 Hargwyne Street London SW9 9RQ	Erection of a roof extension with 4 plateau rooflights and 2 conservation rooflights to create an additional bedroom to Flat B	Delegated Decision	Refuse Permission	02.02.2016	Appeal Dismissed
--------------	-------------------------	---	--	--------------------	-------------------	------------	------------------

The Inspector considered the main issues of the appeal to be the effect of the proposal on the character and appearance of the surrounding area.

The Inspector noted that the appeal site was located within a distinctive three storey block with a butterfly roof set behind a parapet. The Inspector accepted that the proposed mansard roof extension would be difficult to see from ground level but would be visible in views looking towards Pulross Road. The insertion of the mansard roof would unacceptably interrupt the flow of the roof structure and would result in a bulky and prominent extension when view from properties to the rear. The scale and mass of the extension are not considered to be subordinate to the host building.

The Inspector concluded that the proposed mansard roof extension would harm the character and appearance of the area and as such dismissed the appeal.

15/03520/FUL	Refusal - Town Planning	125 Sunnyhill Road London	Erection of a second floor roof extension, together with the installation of a Juliet balcony	Delegated Decision	Refuse Permission	20.02.2016	Appeal Allowed
--------------	-------------------------	------------------------------	---	--------------------	-------------------	------------	----------------

**PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/02/2016 AND 29/02/2016**

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

SW16 2UW  
to the rear and one front and three roof lights,  
and a window to the side elevation.

The Inspector considered the main issue of the appeal to be the effect of the proposed extension and alterations upon the character and appearance of the host building and that of the surrounding area.

The Inspector considered that given the roof extension at the adjoining property at No. 123, the proposed extension would unify the pair in terms of appearance. The additional rear projection at the application site would be more appropriate in design terms than the extension constructed at No. 123. Furthermore it was considered that the proposed extension would have little impact upon the surrounding area given that there are a number of other similar roof extensions in the area.

15/03661/FUL	Refusal - Town Planning	44 Trinity Gardens London SW9 8DP	Erection of a second floor rear extension to the existing back-addition.	Delegated Decision	Refuse Permission	20.02.2016	Appeal Allowed
--------------	-------------------------	---	--	--------------------	-------------------	------------	----------------

The Inspector considered the main issues of this appeal to be the effect of the proposed extension upon the character and appearance of the host building and the surrounding area. The Inspector found that the extension would not be visible from the public domain, although it would be possible to gain a glimpse of its flank elevation from the Almshouses to the north. However, it was noted that it would be seen against a backdrop of other structures and screened in views from ground level. It was considered that the extension would sit comfortably with the host building and would not appear over-dominant or overbearing, the Inspector concluded that the proposal would not harm the character and appearance of the host building or the surrounding area and allowed the appeal.

15/03693/FUL	Refusal - Town Planning	94 Clarence Crescent London SW4 8LE	Erection of a single storey ground floor rear extension and a first floor rear extension together with the erection of a front porch and new front door.	Delegated Decision	Refuse Permission	19.02.2016	Appeal Allowed
--------------	-------------------------	---	--	--------------------	-------------------	------------	----------------

The Inspector considered the main issue to be the effect of the proposed alterations upon the character and appearance of the host building and that of the surrounding area.

The Inspector found that the depth of the single storey rear extension would mirror that of the extensions to the houses either side and therefore, although the rearward projection would exceed by some 0.3m the recommended depth set out by the council, it would be acceptable.

The Inspector also found that, given the design of the first floor extension and subject to the use of matching materials, this small addition to the rear of the property would not appear over dominant or out of scale with the host building. It would be visible from only a handful of the gardens of dwellings nearby and not at all from the public domain.

The Inspector concluded that the proposed development would not have any unacceptable impact upon the character and appearance of the host building or that of the surrounding area.

**PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/02/2016 AND 29/02/2016**

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

The Inspector went on to allow the appeal.

15/00119/FUL	Refusal - Town Planning	37 Lancaster Avenue London Lambeth SE27 9EL	Change of use of 37 Lancaster Avenue from a Care Home (use class C2) to a Bed and Breakfast Hotel (use class C1)	Delegated Decision	Refuse Permission	15.02.2016	Appeal Dismissed
--------------	-------------------------	--	--	--------------------	-------------------	------------	------------------

The Inspector considered the main issues of this appeal to be 1) whether the loss of the residential care accommodation would be acceptable in principle and 2) the effect it would have on the living conditions of the occupants of neighbouring properties with regard to noise and disturbance.

On the first issue the Inspector noted that the proposed bed and breakfast would not be considered to meet an identified priority local need and therefore would fail to satisfy criterion (i) of Policy H8. Furthermore, it is not proposed that the existing accommodation would be provided elsewhere, thus failing to satisfy criterion (ii). The proposed development is therefore unacceptable in principle.

On the second issue the Inspector noted that the proposed use would be likely to result in an increased level of activity beyond the existing use, including increased car movements into and out of the site. As is common with such uses, these comings and goings are frequently during the late evening. Due to the overall scale of the use, this would potentially lead to an unacceptable level of noise and disturbance in what is otherwise a quiet residential area. Consequently, it would result in an unacceptable detrimental effect on the living conditions of the occupants of neighbouring residential properties. Whilst the existing use does have visitors and staff visiting the property on a daily basis, these visits are likely to be during the daytime. The proposed use would therefore be contrary to Policy Q2. The Inspector dismissed the appeal.

15/03789/FUL	Refusal - Town Planning	Plot Adjacent To 6A To 6B Christchurch Road London SW2 3EX	Demolition of 2 existing single-storey garages and erection of part two-storey, part-three storey 3-bedroom dwellinghouse	Delegated Decision	Refuse Permission	15.02.2016	Appeal Dismissed
--------------	-------------------------	--	---	--------------------	-------------------	------------	------------------

The Inspector considered that the main issues of the appeal were:

Issue 1: Character and Appearance:

The proposed dwelling would significantly harm the character and appearance of the area, which conflict with Council's policies.

Issue 2: the quality of accommodation:

The inspector stated that the overall amount of private amenity space proposed would only marginally fall short of minimum requirements and would not, in terms of the amount

**PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/02/2016 AND 29/02/2016**

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

available, significantly harm the living conditions of the future occupants. However, whilst the amount of private amenity would be adequate, this does not outweigh the concerns for future occupants, in terms of outlook. As such, the quality of the accommodation does not meet the aims of the NSS and conflict with Council's policies.

Issue 3: Affordable housing:

Policy H2 of the Local Plan was not adopted when the application was considered by the Council. However, Policy H2 now forms part of the development plan. The appellant has not offered a financial contribution or provided any evidence to demonstrate that it is not viable to the policy targets. The Inspector considered that in the absence of a contribution the proposal is unacceptable and does not comply with the Council's Policies to for provision for affordable housing through a financial contribution.

In conclusion, the inspector stated that the concerns raised relating to character and appearance of the new dwellinghouse, substandard accommodation in terms of outlook and absence of a provision for affordable housing through a financial contribution. As such on these grounds set out above, and therefore dismissed the appeal.

---

15/00722/FUL	Refusal - Town Planning	Land Rear Of 121 Bedford Road London	Erection of a single storey plus basement three-bedroom house	Delegated Decision	Refuse Permission	15.02.2016	Appeal Dismissed
--------------	-------------------------	--------------------------------------	---	--------------------	-------------------	------------	------------------

The Inspector considered the main issues to be

- a) the effect of the dwelling on the character and appearance of the area
- b) the effect of the dwelling on the living conditions of the occupants of the neighbouring property, No 121 Bedford Road, with regard to outlook; and,
- c) whether the proposal should make provision for affordable housing

On the first issue the Inspector noted:

- That the rear of the Bedford Road properties is a largely open space, with many houses having long, narrow rear gardens that back onto the allotments to the rear.
- That whilst there are a number of buildings and structures behind the properties fronting Bedford Road, these are generally conversions, ancillary buildings or extensions to their host properties. The proposed dwelling would be a standalone, new building.
- That there had been a previous appeal decision, but that they were not bound by it and accordingly they determined the appeal before them on its own merits.
- That the dwelling would represent a form of backland development.
- That the dwelling would appear to accommodate a larger portion of the site than it actually would.
- The appellant argues that the site is derelict.

The Inspector found the dwelling would represent a cramped, overdevelopment of the site and that it would introduce a prominent feature that would be intrusive to the openness of the area, which forms part of the overall setting of the locally listed buildings, thus failing to respect the existing pattern of development and would significantly detract from the significance of the non-designated heritage assets. The Inspector went on to find that whilst the site is vacant, even in its current condition, it has less of an impact on the character and appearance of the area than the proposal. The Inspector concluded that the dwelling would significantly harm the character and appearance of the area, would fail to adequately preserve or enhance

**PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/02/2016 AND 29/02/2016**

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

the prevailing local character, and that it would fail to sustain or enhance the significance of undesignated heritage assets.

On the second issue the Inspector noted the proximity of the proposed development to the rear of 121 Bedford Road, the height of the boundary treatment and the height of the proposal, and the outlook from both the rear windows to and the outdoor amenity area to the flat at 121A Bedford Road. The Inspector found that due to the close proximity, it would significantly dominate the outlook from the rear of the flat and from its patio area. The Inspector therefore concluded that the proposed development would significantly harm the living conditions of the occupants of the flat.

On the third issue, the Inspector noted that this matter had only arisen following the adoption of the Lambeth Local Plan in September 2015, nonetheless this meant the appeal had to be determined having regard to it.

The Inspector found that whilst it was not clear whether the calculator or its accompanying guidance were considered during the examination of the Local Plan 2015, the Inspector found that they were in accordance with Annex 10 to the Local Plan and provided a satisfactory basis for seeking contributions. The Inspector noted that they had no obligation before them nor any evidence to demonstrate that the development would not be viable.

The Inspector concluded that the proposal should make provision for affordable housing through a financial contribution and in the absence of a contribution the proposal was unacceptable.

The Inspector went on to dismiss the appeal.

15/02632/FUL	Refusal - Town Planning	Flat 1 35 Concanon Road London SW2 5SZ	Erection of a single storey ground floor rear and side infill extension and installation of four roof lights	Delegated Decision	Refuse Permission	01.02.2016	Appeal Withdrawn
--------------	-------------------------	---	--	--------------------	-------------------	------------	------------------

Appeal withdrawn

	Allowed	Dismissed	Mixed
Month total	7	8	0
Financial year to date	66	89	6