

PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/09/2016 AND 30/09/2016

Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
15/01998/FUL	Refusal - Town Planning	1-8 Wigton Place London SE11 4AN	Addition of additional bedroom and adjacent shower room to houses 1 and 2 by creating a new second floor within a loft space, to be added to the Planning Permission (Ref:14/04219/FUL) dated 11.08.2014.	Delegated Decision	Refuse Permission	02.09.2016	Appeal Dismissed

The Inspector considered the main issues of this appeal to be 1) whether the development would preserve or enhance the character or appearance of the Kennington Conservation Area; and 2) the effect on the living conditions of neighbouring occupiers with particular regard to outlook.

On the 1st issue the Inspector considered that proposed roof form of the new second floor would appear incongruous by reason of the bulky design of the mansard roof and the significant length and height of the dormer window, which would totally dominate the appearance of the mews. In addition, the proposed increase in height of one part of the mews would unbalance the symmetry of the wider courtyard development. The proposal would dilute the significant of the conservation area and fail to preserve its character and appearance. The benefit of additional housing would fail to outweigh the harm to the CA.

On the second issue, the Inspector concluded that the proposal would have an adverse impact on the outlook of the occupiers of adjoining residential properties who would face the development as the significantly higher roof than the previously built development (2 storey) or the fallback permission (also 2 storey), in such close proximity to the existing properties would appear overbearing.

15/05496/FUL	Refusal - Town Planning	43 St Stephen's Terrace London SW8 1DL	Planning permission is sought for the erection of roof extension to provide a self-contained 2 bedroom flat, a terrace to the front elevation; increase height of wall to rear elevation.	Delegated Decision	Refuse Permission	06.09.2016	Appeal Allowed
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The proposal is for a new flat to be accommodated within a lead-clad flat-roofed "box" within an existing butterfly roof, with a narrow roof terrace provided behind the front parapet wall.

The Inspector considered the main issues to be i) whether the proposal would preserve or enhance the character or appearance of the Albert Square Conservation Area, ii) the effect of the proposal on the living conditions of nearby residents regards noise and disturbance from the proposed roof terrace, iii) adequacy of bicycles and refuse storage provision, iv) the effect of the proposal on car parking.

On the 1st issue the Inspector concluded that the set back of the front and sides of the proposal and steep angle of view would prevent the extension from being seen from the nearby street. The Inspector acknowledged that the upper part of the extension would be visible in longer views both within and outside the CA but considered that the limited projection above existing walls and the use of dark colour lead would result in it having a very limited affect.

The loss of the butterfly roof was considered acceptable. The Inspector considered that the building stands apart from the neighbouring terrace as a result of its height and design, and it

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does not share the distinctive architectural detailing or proportions of the other traditional building in the CA. Whilst noting the SPD guidance, he concluded that in light of the specific circumstances of the proposal the development would not detract from the character and appearance of the host building, and would have a limited effect on the CA which would at least preserve its character and appearance.

On the 2nd issue, the Inspector took account of the height of the masonry construction of the surrounding walls and considered that the use of the front roof terrace would not be likely to result in unacceptable noise and disturbance. The parapet wall would prevent overlooking.

On the 3rd issue, the appeal documents included an amended drawing indicating an enlargement of an existing brick enclosure within the rear yard that would accommodate refuse and recycling storage. The Inspector was satisfied that sufficient space was available to accommodate the facilities.

On the 4th issue, a unilateral undertaking was submitted as part of the appeal documents, as a result of this the Inspector considered that the proposal would not have a harmful impact on on-street parking in the area.

15/04529/FUL	Refusal - Town Planning	Woodfield Recreation Ground Abbotswood Road London	Refurbishment of the Woodfield Pavilion including two new rooflights to the rear pitch of the roof. Proposed Use to be mixed in the Use Classes D1 and D2.	Delegated Decision	Refuse Permission	08.09.2016	Appeal Allowed
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The Inspector considered the main issues of the appeal to be whether the proposal promotes sustainable transport options and the effect on on-street parking provision.

On this issue the Inspector noted that the proposed additional uses were ancillary to the existing lawful use of the pavilion. No evidence has been provided by the Council to state which of the additional uses would potentially increase the level of activity at the site. It was not considered that hours needed to be restricted as this can be undertaken through the Wandsworth Council lease. The proposed additional uses were not considered to result in an increase in traffic that required a transport management plan to be submitted. The Inspector agreed that a security strategy is required.

The Inspector went on to grant the appeal subject to conditions.

16/00855/VOC	Conditions - Town Planning	The Jolly Gardeners 49 - 51 Black Prince Road London SE11 6AB	Variation of condition 2 (approved plans) of planning permission ref 14/06886/FUL (Erection of a mansard roof extension at third floor level to provide three additional hotel rooms) Granted on 04.03.2015.	Delegated Decision	Refuse Permission	07.09.2016	Appeal Dismissed
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Original condition states: The development hereby permitted shall be carried out in

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accordance with the approved plans listed in this notice.

Reason: For the avoidance of doubt and in the interests of proper planning

Conditions(s) Variation: Variation of condition 2 (approved plans) to allow alternative roof design

The Inspector considered the main issue of the appeal to be the effect of the amended design of the previously approved mansard roof on the character and appearance on the host building and the Vauxhall Gardens Conservation Area.

The Inspector noted that the principle of the proposed additional storey was not disputed as permission had been previously granted for a double pitched mansard roof extension at third floor level, resulting in a 'pyramid' shape atop the frontage part of the building ('the square element') with a linked double pitched mansard roof extension to the rear section of the building facing onto Tyers Street ('the dog leg').

The appellant cited construction difficulties in linking the mansard roof forms of the two building elements, and proposed to retain the pyramid-shaped mansard to the frontage square element, whilst replacing the mansard to the rear dog leg with a flat roof.

Importantly, whilst the Inspector accepted that in essence the appeal related only to the shape of the rear dog leg part of the roof, the overall effect of the amended design has to be considered. He expressed reservation with the steep angle of the pyramid element of the design, but accepted that it was mitigated by the traditional and recognisable form of mansard roof to the rear 'dog leg' element. Without this complementary effect, the overall structure would appear as an incongruous addition to the host building that would harm its character and appearance, the street scene and the Conservation Area. The harm was identified as less than substantial, but the benefits of extra accommodation and enhancement of the viable use of the building would not outweigh the harm.

15/01663/FUL	Refusal - Town Planning	Hilden House 44 Parry Street London Lambeth SW8 1RU	Erection of a 2 storey extension to existing 4 storey residential building to create a 6 storey residential building with roof terrace. Addition of 6 No. new self-contained flats, retention of existing 12 No. flats and remodel of 2 No. existing flats to increase provision from 14 flats to 20 flats. Remodelling of existing street frontage; creation of rear service lift; creation of new cycling and refuse storage; replacement of side boundary	Delegated Decision	Refuse Permission	30.09.2016	Appeal Dismissed
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wall; removal of first floor doorway and existing external staircase to side elevation and creation of new door in rear courtyard at ground floor level.

The Inspector considered the main issues of this appeal to be 1) The effect of the proposal on the character and appearance of the area; 2) The effect of the proposal on the living conditions of existing occupiers or nearby dwellings with particular regard to outlook, privacy, daylight and sunlight; 3) Whether the proposal would provide appropriate living conditions for future occupiers with particular regard to outlook and quality of the amenity space and 4) Whether the proposal would make appropriate provision for affordable housing.

On the 1st issue the Inspector noted that buildings within the surrounding context have some definition at ground floor level and window patterns are regular with smaller window proportions typical on upper stories. This contrasted with the proposal which would not have any articulation at ground floor, the fourth floor windows would be wider than they are long, and the fifth floor windows would be tall and narrow. The Inspector concluded that the overall composition of the front elevation would appear at odds with the surrounding buildings, and the proposal would resultantly harm the character and appearance of the area.

On the 2nd issue the Inspector noted "the new mansard roof and balustrade would extend in front of at least two of these windows. In addition the new stairwell, albeit positioned away, would be taller and immediately in front of a further two. As such the new building would be visible and dominant when viewed from the adjoining property (No 59). As such it would be harmful to outlook." The inspector therefore concluded that the proposal would have a harmful effect on the living conditions of existing occupiers of nearby dwellings with particular regard to outlook, daylight and sunlight.

On the 3rd issue the Inspector accepted that the quantity of amenity space would meet policy requirements. However, the quality of the new amenity space would be considered to be substandard due to poor aspect and the fact that the design approach would have to be managed to ensure privacy. In addition the areas would potentially be unpleasant to use when noise levels are high. Taken together the Inspector concluded that the areas proposed would not be of a suitable quality to ensure that suitable living conditions would be provided for future occupants.

On the 4th and final issue the Inspector noted that affordable housing viability appraisal had been submitted with the grounds of appeal, which was not disputed by the council. This matter was not pursued further. The Inspector went on to dismiss the appeal.

15/06882/FUL	Refusal - Town Planning	Office 155 - 157A Clapham High Street London SW4 7SY	Change of use at first floor level from Office (B1) to residential (C3) with associated alterations and erection of two storey rear extension at second and third floor level. Alteration to rear fenestration and creation of terrace/balcony and first floor level.	Delegated Decision	Refuse Permission	30.09.2016	Appeal Dismissed
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The Inspector considered the main issues of the appeal to be 1) the effect of the change of use to residential on provision of business floor space in the borough, 2) impact on the

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Conservation Area, 3) whether the proposal would provide suitable living accommodation for future occupiers, 4) whether acceptable cycle parking could be provided and 5) whether there was provision for affordable housing.

On the first issue the Inspector noted that no marketing evidence had been submitted to support the loss of the office space. Furthermore, the appellants had prior approval to convert the floor space to residential which would be lawful if implemented. The Inspector noted that the appeal was contrary to Policy ED2.

On the second issue the Inspector noted that as the materials of the proposed extension would match the host building and whilst it would not be subservient, the extension would be in accordance with Policy Q11 and Q22.

On the third issue the Inspector noted that the proposed units on the second and third level would be significantly below the minimum required floor areas and failed to be dual aspect, resulting in poor aspect and outlook. The proposal would fail to provide suitable living accommodation for future occupiers.

On the fourth issue the Inspector noted that whilst the appellant had provided plans with their appeal to show cycle parking, these still did not show how they would be stored and secured. As such the proposal was contrary to Policy T3.

On the fifth issue the Inspector noted that the appellant would agree to provide affordable housing however no mechanism had been provided to enable the securing of this provision.

The Inspector went on to dismiss the appeal due to the unsatisfactory living conditions for future occupiers and the lack of appropriate provision for cycle storage.

16/00244/FUL	Refusal - Town Planning	105 Cricklade Avenue London Lambeth SW2 3HF	Retention of and proposed alterations to existing raised rear patio	Delegated Decision	Refuse Permission	08.09.2016	Appeal Dismissed
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The Inspector considered the main issue to be the impact of the proposal on the living conditions of neighbouring occupiers.

On the first issue the Inspector noted that the nature of the submitted drawings were unsatisfactory and inconsistent. The height of the patio would result in significant overlooking to the rear gardens of neighbouring properties irrespective of the reduction in width of the patio. Despite the proposed privacy screen, views of the rear garden of 103 Cricklade Avenue would still occur. The vegetation proposed to screen the patio from 107 Cricklade Avenue is inadequate.

The Inspector concluded that the proposal would result in significant overlooking and an unacceptable loss of privacy to neighbouring occupiers and went on to dismiss the appeal.

15/06856/ADV	Refusal - Advert	121 - 127 Streatham High Road London SW16 1HJ	Display of 2 x single sided internally illuminated 48-sheet LED media display following the removal of 2no. 48-sheet advertising hoardings.	Delegated Decision	Refuse Permission	29.09.2016	Appeal Dismissed
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The Inspector considered the main issue of the appeal to be the effect of the proposal on visual amenity, with particular regard to whether it would preserve or enhance the character or appearance of the Streatham High Road and Streatham Hill Conservation Area.

On this issue the Inspector considered that the form of illumination would give the proposed advertisements an uncharacteristically bright appearance, especially during daylight hours when there is currently little discernable artificial lighting, with the present advertisements included. It was considered that this would be at odds with the traditional facade of the host building and its surroundings, appearing highly incongruous in their prominent setting. The Inspector noted that controlling the brightness of the displays by condition would not sufficiently mitigate these harms.

Therefore the Inspector concluded that the proposed development would cause harm to the character and appearance of the conservation area, to the detriment of visual amenity. The appeal was therefore dismissed.

16/00621/FUL	Refusal - Town Planning	Sports Club Canmore Gardens London SW16 5BD	Erection of 7 three-storey single family dwelling houses on the land adjacent to Streatham Vale Sports and Social Club, erection of a new electrical substation and provision of refuse & recycling storage and 7 car parking spaces together with alterations to 56 Canmore Gardens involving a loft conversion including the erection of front and rear dormers, erection of a front porch, erection of a single storey ground floor rear extension and erection of a first floor rear extension.	Delegated Decision	Refuse Permission	28.09.2016	Appeal Dismissed
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The Inspector considered the main issues of this appeal to be:

- 1) the effect of the proposed development on the character and appearance of the surrounding area having particular regard to the scale, bulk, massing and materials of the proposed development, including that related to the works to 56 Canmore Gardens, and 2) the provision of refuse / recycling facilities to serve the proposed development.

On the first issue the Inspector noted that the new development in terms of its bulk would be significantly greater than for the surrounding two storey terraces, the massing would fail to respect the relatively traditional terraces and the roof space design results in an uncharacteristic and dominating design. In terms of the works to No.56, taken as a whole, the extensions and alterations were considered to be unsympathetic to the character and appearance of the original dwelling, albeit that character has already been eroded by previous alterations. The proposed rear full width ground floor extension combined with the first floor extension, dormers to front and rear and new exterior finishes were also clearly aimed at providing a transition to the new build terrace. However, the consequence makes the existing building appear as an awkward mix of the traditional property as it was built and the proposed new terrace form. They therefore found the latter unacceptable, as it does nothing to justify the works proposed for No.56. Furthermore, the inspector considered that the use of timber on

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the developments front façade would emphasise the uncharacteristic massing of the buildings.

On the second issue the Inspector noted communal recycling and waste compound at the 'entrance' to the proposed terrace of houses would not be an acceptable arrangement by creating a visual block at the end of Canmore Gardens despite the visual form of the terrace being intended to continue the existing building pattern. It would also not be located well away from residential accommodation so as to avoid harm to amenity and outlook. The Inspector dismissed the appeal.

16/00654/FUL	Refusal - Town Planning	84 Ellison Road London SW16 5DD	Erection a single storey rear side infill extension and installation of three roof lights	Delegated Decision	Refuse Permission	12.09.2016	Appeal Allowed
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The Inspector considered the main issues of this appeal to be the effect of the proposal on the character and appearance of Ellison Road and the host property.

On this issue the Inspector noted that Due to its size and position the proposed extension would be subservient to the existing dwelling. The mono pitch roof would respect and repeat the form of the existing double storey rear return, resulting in a sympathetic and coherent appearance. Therefore the proposal would not harm the integrity of the host dwelling. Although the proposal would fail to comply with criterion (h) of policy Q11, it would nevertheless comply with the policy as a whole in that the extension would be of a high quality design and subservient to the existing building. The proposed extension would not harm the character and appearance of Ellison Road or the host property and would comply with the development plan as a whole. The Inspector went on to allow the appeal.

An application for cost was also made by the appellant against the Council, and the Inspector noted that irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The Inspector noted that The Council's report explained that the proposed extension would interrupt the established pattern of development along the street. Whilst The Inspector has reached a different conclusion as to the effect of the proposal on the street scene, The Inspector considered this to be a matter of judgement and it does not constitute unreasonable behaviour on the part of the local planning authority. The Inspector when on to refuse the application for an award of costs.

16/02128/FUL	Refusal - Town Planning	127 Gipsy Hill London SE19 1QS	Conversion of existing residential unit into two self contained units on the upper floors, involving the erection of two rear and two front dormer windows.	Delegated Decision	Refuse Permission	27.09.2016	Appeal Dismissed
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The Inspector considered the main issues of this appeal to be 1) the effect of the proposed development on the character and appearance of the host property and the surrounding streetscene 2) living conditions for future occupiers having particular regard to the space provided and accessibility 3) cycle parking facilities and 4) facilities for refuse and recycling storage.

On the 1st issue the Inspector noted the submitted plans were not consistent with each other but considered that that subject to a condition requiring larger scale details the proposed

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front and rear dormers would respond to their context and the fenestration of the host building, and would not appear harmful in the streetscene. No policy conflict was identified.

On the 2nd issue the Inspector noted that the scheme would not provide adequate space of suitable configuration and height to provide adequate living conditions for future occupiers. The second floor studio unit would fail to provide any headroom at the minimum height of 2.3m as prescribed in the Nationally Described Space Standards (2015), and would be unacceptably oppressive and so would not provide adequate living conditions. In addition, the first floor flat would fail to provide at least one bedroom of 11.5sqm. Interestingly the Inspector was less concerned about the lack of provision of outdoor amenity space, noting that the site is opposite a park which would provide for outdoor recreation albeit not private amenity space. The Inspector concluded that significant weight must be given to the poor quality living conditions for future occupiers and the resulting conflict with Policy H5 of the Lambeth Local Plan 2015. Additionally, the Inspector noted that proposal failed to address how the development would achieve inclusive design including wheelchair accessibility and adaptability.

On the 3rd issue the Inspector noted: The cycle storage facilities which could be achieved might not be ideal or meet the requirements of the London Plan. But, given the scope for an improvement on the current situation she considered that, were the proposal acceptable in other respects, a Grampian style condition could be imposed to ensure cycle parking, and access to it, is provided in the rear yard area for the occupiers of the proposed residential units.

On the 4th issue the Inspector noted that were the proposal acceptable in other respects, a Grampian style condition could be imposed to ensure satisfactory recycling and refuse storage for the proposed residential units. The Inspector went on to dismiss the appeal.

16/00121/FUL	Refusal - Town Planning	94 Ferndene Road London SE24 0AA	Loft Conversion with rear dormer and hip-to-gable conversion with three rooflights to the front elevation and the erection of a single storey ground floor rear extension with the installation of three rooflights at the rear.	Delegated Decision	Refuse Permission	08.09.2016	Mixed Appeal Result
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The Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the host property and the surrounding area.

The proposed development comprised of two elements. A loft conversion was proposed with additional living space being created by extending the roof area laterally and replacing the current hip end with a gable. The additional living area in the roofspace would be lit by a rear dormer and three rooflights on the front roof slope. In addition, a single storey, ground floor, rear extension was proposed.

The Inspector made a distinction between the proposed ground floor rear extension and the proposed changes to the roof. In respect of the former, the Inspector saw no reason why this should not go ahead. In size and form it meets the criteria set by Policy Q11 and the SPD by being clearly subordinate to the host property. The Inspector also considered that this extension would not cause any significant harm to the living conditions of the occupants of neighbouring properties by way of overlooking, loss of light or loss of privacy. Furthermore, it

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would be sufficiently restricted in scale and height to be largely invisible from adjacent properties or from the public realm.

By contrast, the Inspector considered the proposed changes to the roof to be contrary to Policy Q11 and the SPD in a number of respects. The hip to gable conversion would, in the Inspector's opinion completely alter the character and appearance of the host property. It would produce a dominant and bulky feature that would not only be an incongruous addition to the host property, but which would also be visible from a number of neighbouring properties. When combined with the rooflights on the front slope, which the Inspector considered to be excessively prominent, the outcome would be an extension that would visually overwhelm the host property and change its relationship to the street scene.

Accordingly a split decision was made, with the appeal dismissed in respect of the roof extensions and allowed in respect of the rear extension.

16/01300/FUL	Refusal - Town Planning	171 Fentiman Road London SW8 1JY	Enlargement of the basement with front and rear lightwells.	Delegated Decision	Refuse Permission	29.09.2016	Appeal Dismissed
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The Inspector considered the main issue of this appeal to be the effect of the proposed basement enlargement and front and rear lightwells on the character and appearance of the conservation area.

On this issue the Inspector noted 'The proposal would alter the original form and character of the appeal property by extending the front elevation below street level. It would thus depart from the uniformity of the buildings, interrupting visual coherency of the terrace as a whole. In terms of the detailed design, the width of the (front) grill would exceed that of the adjacent bay window on either side, thus appearing out of scale in relation to the building.

The Inspector commented that the proposal would be contrary to Policy Q11 of the Lambeth Local Plan (LP, September 2015), which, amongst other things, resists basement extensions if they would undermine the appearance of the host building.

In addition, the Inspector concluded that the proposed development would harm the character of the appeal property, and would thus fail to preserve the character or appearance of the wider conservation area. The harm to the CA was considered to be less than substantial, but there were no considerations that would outweigh the great weight that the NPPF apports to the preservation of heritage assets. The Inspector went on to dismiss the appeal.

16/01146/FUL	Refusal - Town Planning	60 Fieldend Road London SW16 5SS	Erection of a part single/part two storey side extension and a single storey rear extension together with a new garage.	Delegated Decision	Refuse Permission	08.09.2016	Appeal Dismissed
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The Inspector considered the main issues to be 1) the character and appearance of the host property and surrounding area and 2) the living conditions of future occupiers.

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On the first issue the Inspector noted that there is no dropped kerb associated with the proposed garage and this could be addressed through conditions. Concerns were raised with regard to maintenance of the garage due to the close proximity to boundaries -the Inspector noted that there would be traffic impacts should maintenance be required and would require highway involvement. The proposed house extensions would result in a bulky feature that would fail to be subordinate to the host building and fail to retain a 1m gap at the boundary, altering the relationship with the street scene.

On the second issue the Inspector noted that there would be no harm to the amenity of neighbouring occupiers from the rebuilding of the garage.

The Inspector concluded that the proposal would result in material harm to the host property and the character and appearance of the surrounding area and dismissed the appeal.

16/00581/FUL	Refusal - Town Planning	506 - 508 Brixton Road London SW9 8EN	Installation of external roller shutters on front facade (Retrospective).	Delegated Decision	Refuse Permission	29.09.2016	Appeal Dismissed
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The Inspector considered the main issue of this appeal to be whether the proposed development would preserve or enhance the character or appearance of the Brixton Conservation Area.

On this issue the Inspector noted that the forward projection of the shutter housing would noticeably protrude past the face of the building, appearing as a bulky and modern intrusion when viewed from the public realm, detracting from the largely traditional appearance of the upper portion of the building and the wider area. When closed the shutters would mask the windows, obscuring views in and out of the shop, leading to an unappealing fortress like appearance.

The Inspector concluded that the proposal fails to comply with Local Plan requirements which seek to ensure that proposed building designs and submitted details are visually attractive; that shop fronts should not have solid or perforated roller shutters or exposed externally-mounted shutter housings; and that development fails to preserve or enhance the character or appearance of the Brixton Conservation Area.

	Allowed	Dismissed	Mixed
Month total	3	11	1
Financial year to date	31	81	3