

PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/04/2017 AND 30/04/2017

Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
16/00466/FUL	Refusal - Town Planning	130 Brixton Hill London SW2 1RS	Erection of single storey extension above rear portion of existing building to form two self contained flats.	Delegated Decision	Refuse Permission	27.04.2017	Appeal Dismissed

The Inspector considered the main issues of this appeal to be (i) whether the appeal site is a suitable location for residential development, (ii) the effect of the development on the character and appearance of the surrounding area having particular regard to the setting of the Rush Common Brixton Hill Conservation Area, and the setting of the adjacent Grade II Listed building (No. 132 Brixton Hill), and; (iii) whether the development should make a contribution towards affordable housing.

On the first issue the Inspector noted that the creation of residential development on the appeal site would fail to maximise employment opportunities, thereby adversely affecting the employment activity of the KIBA. The Inspector gave limited weight to the appellant's argument that change of use from B1a (offices) to C3 (residential) can be permitted development in some instances, as it did not apply in this instance. The appellant's reference to two appeal decisions in close proximity to the appeal site were considered, but did not outweigh the policy conflict as the Inspector noted that each appeal must be determined on its own planning merits, and the other appeals were materially different schemes. The Inspector concluded that the proposal would be contrary to the aims of Local Plan Policy ED1.

On the second issue the Inspector concluded that the development proposal would not result in harm to the character or appearance of the surrounding area including the settings of the adjacent conservation area and listed building.

On the third issue the Inspector gave primacy to the Written Ministerial Statement over local development plan policy in respect of a small sites contribution. It was concluded that a DEPARTURE from Policy H2(a)(ii) was justified in this instance, and consequently a contribution towards affordable housing was not necessary.

The Inspector agreed with the LPA's requirement for a 'permit free' development in the event that planning permission were to be granted.

The appeal was dismissed on the first issue.

16/01800/FUL	Refusal - Town Planning	141 Lower Marsh London Lambeth SE1 7AE	Erection of roof extension (additional floor) to provide for the creation of 1 x 1-bed residential flat (Class C3) together with the erection of a lift shaft to the rear serving all floors.	Delegated Decision	Refuse Permission	26.04.2017	Appeal Allowed
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Main issues were (a) the effect on the character and appearance of the Lower Marsh CA; (b) the effect on the living conditions of future occupiers (c) cycle parking; (d) the effect on car parking provision in the area (e) affordable housing. With regard to (a) it was considered that the additional storey would cause only a marginal increase in the perceived height of the host building, and would be visible only from certain limited views within the conservation area. As it would sit in the context of an unusually tall group of buildings within the conservation area and would not exceed the overall height of the group, it would not therefore appear as an over-dominant or non-contextual addition to the appeal building, the group in which it sits or the conservation area. In terms of (b) The Inspector noted that whilst the sixth floor flat would have a floor to ceiling height of 2.3m, which meets the requirements of the nationally described space standards, it does not meet the 2.5 m floor to ceiling height for at least 75% of the gross internal area strongly recommended in the London Plan Housing

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SPG. However, that guidance must now be seen in the context of the Governments (PPG). This is clear that, where an LPA wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standards. With regard to (c and d) the cycle parking on the original application would be vertical, wall-mounted and located in the basement, not therefore readily accessible. However, minor alterations to the layout on that floor, and amended drawing ref. 095.021 B illustrates how this could be achieved. As there is no space for secure parking, the proposal would not conflict with Policy Q13. Furthermore, a submitted UU would prevent people from obtaining parking permits. The Inspector went onto Allow the appeal.

16/03429/FUL	Refusal - Town Planning	336 Coldharbour Lane London SW9 8QH	Erection of a first floor rear extension together with the formation of a roof terrace including the erection of a third floor level to provide a self contained flat (Use Class C3).	Delegated Decision	Refuse Permission	06.04.2017	Appeal Dismissed
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The Inspector considered the main issues of this appeal to be (i) whether the proposal would preserve or enhance the character or appearance of the Loughborough Park Conservation Area; (ii) highway safety and sustainable transport and (iii) servicing and waste and recycling provision. The Inspector noted that the roof terrace had been omitted from the proposal, and therefore did not form part of the consideration of the appeal.

On the first issue the Inspector concluded that the full width extension at first floor level would leave the second floor unaltered, and that it was similar to other extensions within the terrace and responded to the existing context. The extension was considered to be subordinate and in keeping with the rear of the appeal property and the terrace. However, the rooftop extension would be a noticeable feature from Coldharbour Lane due to its closeness to the frontage parapet wall. The Inspector concluded that this rooftop addition would adversely affect the character and appearance of the terrace and the Conservation Area as a whole, where uniformity of form and detailing is a key quality.

The Inspector concluded that the harm to the Conservation Area would be less than substantial, but the public benefits deriving from the provision of an additional unit of residential accommodation would not be sufficient to outweigh the harm.

On the second issue the Inspector noted there would be no provision for cycle parking within the development but given the sustainable nature of the location in relation to public transport and services, this would not be essential. The development would not have unacceptable transport impacts.

On the third issue the Inspector noted the servicing of the flats, including refuse collection, would operate in the same manner as the existing flats in the terrace. There was no evidence put forward to indicate that current arrangements are inadequate.

The Inspector considered the appellant's reference to the presumption in favour of sustainable development under paragraph 14 of the NPPF. However, it was concluded that the proposal would not be sustainable as the adverse impacts would substantially outweigh the benefits arising from the scheme. The appeal was dismissed on the first issue.

16/03956/FUL	Refusal - Town Planning	3 Prescott Place London SW4 6BS	Demolition of existing lockup garages and the erection of part 2, part 3 storey block and refurbishment and addition to existing dwelling house to provide 6 self contained units along with the removal of existing extension. Provision	Delegated Decision	Refuse Permission	25.04.2017	Appeal Dismissed
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of 11 cycle spaces, refuse store and communal roof terrace.

The Inspector considered the main issues of this appeal to be (i) whether the development would protect a dwelling suitable for occupation by families and (ii) the living conditions of the future occupiers of the residential units, having regard to the provision of private outdoor space and outlook.

On the first issue the Inspector noted that the existing dwelling would be suitable for occupation by families given its size, internal room configuration and ground floor accessibility to private outdoor space. It was further noted that the surrounding area does not have an equal quantum of flats and houses and family-sized dwelling are in the minority. The appeal site falls within an area considered under 'conversion stress' and Local Plan Policy H6(a)(i) was applicable to the consideration.

The Inspector considered the layout and access arrangements of the proposed family dwelling, and concluded that it would be significantly different and inferior to the existing family dwelling on the site. For this reason the dwelling on the site suitable for occupation by families would not be protected and there would be conflict with Local Plan Policy H6(a)(i).

On the second issue the Inspector noted that proposed Flats 1 and 3 would not have dual aspects and whilst it was demonstrated that light levels would be acceptable, the outlook would not be. Also, there would be no private amenity space for Flats 3 and 5 and a deficiency of 3sqm for Flat 4. The Inspector considered that the appellant's reference to the proximity of Clapham Common did not make up for the shortfall in amenity space as it would not be able to provide for immediate family needs. Accordingly, the Inspector agreed that the proposed units would be a substandard form of accommodation in conflict with Local Plan Policies H5(a)(i), Q1, and Q2

In respect of other matters, the Inspector concluded that the proposed design and urban built form would preserve the character and appearance of the Conservation Area. However, the adverse impacts of the proposal would outweigh the benefits of increasing housing supply in a location well served by public transport and facilities.

The Inspector went on to dismiss the appeal

16/03285/ADV	Condition - Advert	6 - 12 Kennington Lane London SE11 4LT	Replacement of existing backlit advertising hoarding for the display of a static internally illuminated LED screen.	Delegated Decision	Grant Permission	07.04.2017	Appeal Allowed
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The Inspector considered the main issue of this appeal to be whether the disputed conditions, Condition 7 and 11, are reasonable and necessary in the interests of amenity and public safety. Condition 7 of the consent required that at the expiry of the consent that the approved advertisements be removed, the use of the site for display of advertisements be discontinued and the approved advertisements would not benefit from deemed consent. Condition 11, amongst other things, stated that the minimum time between successive displayed images shall be 15 seconds.

On this first issue, the Inspector found that there was no justification as to why, after the expiration of five years, the locality would have changed so significantly that the approved

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advertisement would harm amenity or public safety. Furthermore, the Inspector noted that the Council already has powers to serve a discontinuation notice following the expiration of the express consent. The Inspector noted that Condition 7 is neither reasonable nor necessary.

On this second issue the Inspector noted that express consent had already been granted by the local authority for a similar LED advertisement on the site which included a minimum time between successive displayed images of 10 seconds. The Inspector also noted that the advertisement would only be visible in oblique views from the nearby residential properties. The Inspector also noted that they would not consider that the change in images every 10 seconds would be so distracting as to represent a danger to highway safety. The Inspector found that restricting the minimum time between successive displayed images to 15 seconds is neither reasonable nor necessary. The Inspector went on to allow the appeal. Condition 7 was deleted and Condition 10 was varied to restrict the minimum time between successive displayed images from 15 seconds to 10 seconds.

16/01644/FUL	Refusal - Town Planning	45 - 61 Doverfield Road London SW2 5NF	Erection of a roof extension to provide 1 bed self-contained flat, together with associated alterations in relation to Flats 57 - 61 Doverfield Road.	Delegated Decision	Refuse Permission	10.04.2017	Appeal Dismissed
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The Inspector considered the main issues of the appeal to be (i) the effects of the proposed development on the character and appearance of the host building and its surroundings; (ii) whether the proposed development would make an adequate contribution towards the provision of affordable housing and (iii) whether the proposed development would provide sufficient amenity space to meet the day-to-day needs of its future occupants.

On the first issue the Inspector considered that owing to the scale and prominent siting of the host property the proposed development would have a lopsided appearance to the appeal property's host terrace, which would deplete the terrace's strong sense of rhythm. The proposed development's harmful effects in this regard would be exacerbated by the prominent scale and complicated shape of the large party wall that would project proud of the adjoining flat roof to a considerable degree and that given the eminent positioning of the appeal property and the prominent siting of the proposed development the proposal would cause considerable harm to the character of the host building and its surroundings.

On the second issue the Inspector noted the advice contained within the Written Ministerial Statement, but gave primacy to the local development plan requirements of Policy H2. The submission of a viability test was warranted in this instance to ensure that contributions would be fairly and reasonably related in scale and kind to the proposed development. A DEPARTURE from Policy H2(a)(ii) was not justified in this instance, and consequently the requirements of the policy needed to be met.

This findings of this appeal decision direct conflicts with the Inspector's conclusions in respect of the appeal decision for 130 Brixton Road detailed earlier in this report. The Inspector's conclusions in respect of this particular appeal will be a material consideration in the assessment of all future planning applications in respect of Local Plan Policy H2

With regards to the residential amenity of future occupiers the Inspector considered that the limited depth and modest width of the proposed amenity space would fail to accommodate the various activities that such spaces are usually put to and owing to its irregular shape the amenity space would be unable to host anything other than a minimal amount of garden furniture.

The appeal was dismissed.

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16/02318/FUL	Refusal - Town Planning	25 Hawarden Grove London SE24 9DQ	Loft conversion involving the erection of a rear mansard roof extension with dormer window and insertion of three rooflights to the front roof slope and; replacement of existing first floor rear window with a bi-folding door incorporating a Juliet balcony (Flat A)	Delegated Decision	Refuse Permission	05.04.2017	Appeal Allowed

The Inspector considered the main issues of this appeal to be the effect of the appeal development on its host building and surroundings.

The Inspector considered the rear mansard roof extension to be subservient to the host building, and found no conflict with paragraph 4.19 of the Council's Building Alterations and Extensions Supplementary Planning Document adopted September 2015. It was concluded that the appeal development caused no harmful effects to the character and appearance of the host building and its surroundings, and it would not set a precedent for other developments which would cause harm in these respects. In any event, each proposal needs to be considered on its own planning merits.

The Inspector went on to allow the appeal.

16/06054/FUL	Refusal - Town Planning	4 Valleyfield Road London SW16 2HR	Conversion of single dwelling into two self-contained units together with the erection of a hip to gable roof extension with the erection of a rear dormer and installation of 2 front rooflights. Erection of single storey ground floor rear and side extensions and a first floor side extension, alterations to front porch	Delegated Decision	Refuse Permission	27.04.2017	Appeal Dismissed
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The Inspector considered the main issues of this appeal to be 1) the effect the development would have on the supply of family housing and 2) the effect on the living conditions of future occupiers, with particular reference to internal living space.

On the 1st issue the Inspector noted "the proposal would convert the extended building into two flats, both providing three bedrooms and with access to the rear garden, which would be sub-divided." Furthermore the Inspector noted "the accommodation offered would be materially different to that provided by a single house. The intensification of the use of the building as a result of its occupation by two households would also have a materially different effect on the character of the street, and consequently environmental quality and local amenity, albeit limited by the scale of the proposal. The flats' size and configuration would only be made possible as a result of the extensions and alterations to the original dwelling. Local Plan Policy H6 is explicit in setting an original floor area threshold and its definition of family sized dwellings only refers to two storey typologies. As such the proposal would result in the loss of a dwelling suitable for occupation by families and would be contrary to Local Plan Policy H6.

On the 2nd issue the Inspector noted "the proposal would not lead to material harm to future occupiers' living conditions and would not conflict with the housing standards requirements of Local Plan Policy H5 nor, in this regard, with Local Plan Policy H6. The proposal would not comply with London Plan Policy 3.5's requirement that boroughs should seek to ensure that

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new development reflects its space standards. However, the material consideration of the layout of the upper flat and lack of harm to future occupants lead me to consider that a decision not in accordance with the development plan could be taken in this instance."

The Inspector went on to dismiss the appeal.

16/05286/FUL	Refusal - Town Planning	14 Sunnyhill Road London SW16 2UH	Replacement of existing windows and doors at front, side and rear elevations at the ground and basement levels. (Basement And Ground Floor Flat)	Delegated Decision	Refuse Permission	27.04.2017	Appeal Dismissed
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The Inspector considered the main issue of this appeal to be the effect the proposed replacement of doors and windows would have on the character and appearance of the host building and the significance of the Streatham High Road & Streatham Hill Conservation Area, a designated heritage asset.

On this issue the Inspector noted that "the replacement window adjacent, although in a similar material, would have a considerably thicker frame and reduced glazing area than the existing window. This would appear awkward as a result, particularly in the context of the slender metal glazing bars on the corresponding window on the opposite wall of the alleyway." Furthermore the Inspector noted that "the replacement patio doors would be largely hidden from view given their basement situation and surrounding buildings. They would consequently have a very limited effect the building and area's appearance. However, their material, thicker outer frames and wider replica glazing bars situated between the double glazed units would not preserve the character of that part of the building, especially in the context of the timber sliding sash windows in the three floors directly above."

The Inspector concluded that "the proposal would be contrary to Local Plan Policies Q2, Q5, Q8, Q11 and Q22. Together these require that development respects and reinforces the positive aspects of its local context, the historic character of the area and original architecture, window detailing, joinery and materials as well as not unacceptably compromising visual amenity, amongst other criteria. The proposal would also be contrary to the guidance that supports these policies which advises that replacement windows should replicate the appearance, detailing and, in the case of heritage assets the materials, of the original windows." The Inspector went on to dismiss the appeal.

16/03246/FUL	Refusal - Town Planning	29 Benton's Lane London SE27 9UD	Change of use of basement to provide two self contained flats (Use class C3).	Delegated Decision	Refuse Permission	27.04.2017	Appeal Dismissed
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The Inspector considered the main issues of this appeal to be whether the design of the new units would provide a good standard of amenity for the intended future occupiers having particular regard to outlook.

On this issue the Inspector noted that the new flats would be dual aspect. However, whilst the new units would be served by windows and glazed doors, these features would face directly onto small, deep lightwells, such that the outlook from the rooms they serve would be of a high wall in close proximity to the window or door. This would have a significant enclosing effect upon the respective rooms of the flats making the space within them unpleasant to use.

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The outlook from the living accommodation of the flats would be poor as a result and would be significantly below the standard of living conditions that future occupiers could reasonably expect from a self-contained unit of residential accommodation.

The appeal was dismissed.

16/05336/FUL	Refusal - Town Planning	20 Shakespeare Road London SE24 0LB	Erection of a single storey rear infill extension at basement level with new courtyard, and the erection of a mansard roof extension.	Delegated Decision	Refuse Permission	05.04.2017	Appeal Dismissed
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The Inspector considered the main issue of this appeal to be the effects of the proposal on the character and appearance of the host dwelling and the locality.

With regards to the proposed mansard roof extension, the Inspector found that the extension would radically change the massing, height, shape and visual integrity of the existing roof both to the front and the rear. The local distinctiveness would be lost.

With regards to the proposed rear extension, the Inspector found that it would lack the necessary subordinate approach. The extension would lack a suitable delicate architectural solution of this terrace of merit within a Conservation Area.

The Inspector went on to dismiss the appeal.

16/04733/ADV	Refusal - Advert	Sainsbury's 62 Wandsworth Road London SW8 2LF	Display of fascia, hanging and other advertisements consisting of 4 internally illuminated Sainsbury's letter signs, 2 internally illuminated concession panels, 1 welcome wall sign, 3 bicycle panels, 1 internally illuminated pharmacy sign, 1 car park entrance sign, 1 no entry sign, 1 parking tab, 2 pharmacy vinyls externally applied, 2 welcome vinyls externally applied, 2 pair of automatic door vinyls internally and externally applied, 2 statutory signs externally applied as well as safety manifestations applied to all glazing panels to elevation A front entrance, elevation B car park entrance, and elevation C entrance.	Delegated Decision	Refuse Permission	11.04.2017	Appeal Dismissed
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The Inspector considered the main issue of the appeal to be the effect of the proposed advertisements on amenity and the character and appearance of the building and the area. He

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considered the concession box would appear harmful. Its size and height would make it appear dominant and bulky. The illumination of the whole panel would exaggerate this during hours of darkness. The internally illuminated concession panel would give rise to a cluttered appearance by reason of its six discrete signs with different lettering styles. The illumination would exacerbate this during hours of darkness.

The two vinyl signs displaying pharmacy opening hours would appear awkward and inelegant. The proposed signs would be harmful to the character and appearance of the host building and to the visual amenity of the area's streetscene. Any benefits arising from informing customers of concessions within the supermarket would be outweighed by the harmful effects of the sign's design and appearance. The appeal was therefore dismissed.

16/05939/FUL	Refusal - Town Planning	14 Ashlake Road London SW16 2BB	Erection of a single storey ground floor rear side and infill extension.	Delegated Decision	Refuse Permission	24.04.2017	Appeal Dismissed
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The Inspector considered the main issue of this appeal to be the effect of the proposal on the living conditions of the occupiers of 12 Ashlake Road with particular regard to outlook and light.

The Inspector noted "the proposal would extend above the height of the existing fence, to around 3.3m and would have a flat roof. Moreover, it would have a depth of around 6.5m along the shared boundary with No 12 and would infill the entire yard space between the boundary wall and the side return. The extension would be considerably larger than the existing lean-to and would create a significant expanse of largely unrelieved built form in close proximity to the windows and doors in the side and rear of No 12. As a result, it would appear unduly dominant in the outlook of the neighbouring property, resulting in an increased sense of enclosure."

Furthermore the Inspector noted "the proposal would be to the north of No 12 and would not therefore unduly restrict direct sunlight. However, in the absence of a BRE compliant daylight and sunlight assessment, given the scale and proximity of the extension to the neighbouring property, it would nevertheless be likely to harmfully reduce the existing levels of daylight received through the neighbouring windows."

The Inspector went on to dismiss the appeal.

	Allowed	Dismissed	Mixed
Month total	3	10	0
Financial year to date	3	10	0