
Appeal Decision

Site visit made on 9 September 2016

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 October 2016

Appeal Ref: APP/N5660/W/16/3151394

5 Rectory Grove, Lambeth, London SW4 0DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr & Mrs Wood against the decision of the Council of the London Borough of Lambeth.
- The application Ref 16/01611/FUL, dated 13 March 2016, was approved on 9 May 2016 and planning permission was granted subject to conditions.
- The development permitted is excavation and enlargement of an existing basement and the formation of a front lightwell together with alterations to the ground floor rear elevation with the removal of a window and the installation of a sliding door, and the removal of double doors with the installation of a window.
- The conditions in dispute are Nos 4, 5 and 6, which state that:
 - 4) *No development shall take place until a Basement Method Statement and Flood Risk Assessment have been submitted to and approved in writing by the Local Planning Authority. This statement shall include details regarding:*
 - (a) *Detailed site specific analysis of hydrological and geotechnical local ground conditions;*
 - (b) *Analysis of how the excavation of the basement may impact on the water table and any ground water floor, and whether water perched is present;*
 - (c) *Details of how flood risk, including risk from groundwater and surface water flooding has been addressed in the design, including details of any proposed mitigation measures;*
 - (d) *Details of measures proposed to mitigate any risks in relation to land instability;*
 - (e) *Demonstration of how cumulative effects have been considered;*
 - (f) *A comprehensive non-technical summary document of the assessments provided and information submitted against (a) to (e) of this condition.*

5) *No development shall commence until full details of the proposal construction methodology, in the form of a Method of Construction Statement have been submitted to and approved in writing by the local planning authority. The Method of Construction Statement shall include details regarding:*

- (a) *The notification of neighbours with regard to specific works;*
- (b) *Advance notification of road closures;*
- (c) *Details regarding parking, deliveries, and storage;*
- (d) *Details regarding dust mitigation;*
- (e) *Details of measures to prevent the deposit of mud and debris on the public highway, and;*
- (f) *Any other measures to mitigate the impact of construction upon the amenity of the area and the function and safety of the highway network.*

No development shall commence until provision has been made to accommodate all site operatives, 'visitors' and construction vehicles loading, off-loading, parking and turning within the site or otherwise during the construction period in accordance with the approved details. The development shall thereafter be carried out in accordance with the details and measures approved in the Method of Construction Statement.

6) Notwithstanding the approved plans, detailed drawings (at a scale of 1:10) of the new joinery (windows, doors) and the proposed lightwell shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The new windows shall be timber framed to match the existing and the new door shall have a vertical division. The proposed front lightwell shall sit flush to the ground.

- The reasons given for the conditions are:
 - 4) Development must not commence before this condition is discharged to avoid hazard in relation to land stability and increased flood risk caused by the basement excavation (Paragraph 121 of the National Planning Policy Framework 2012 and Policy EN5 of the Lambeth Local Plan (2015)).*
 - 5) Development must not commence before this condition is discharged to avoid hazard and obstruction being caused to users of the public highway and to safeguard residential amenity from the start of the construction process (Policy T6 of the Lambeth Local Plan (2015)).*
 - 6) To safeguard the visual amenities of the host building and the surrounding area. (Policy Q11 and Q22 of the Lambeth Local Plan)).*

Decision

1. The appeal is allowed and the planning permission ref 16/01611/FUL for the development described above at 5 Rectory Grove, Lambeth, London SW4 0DX granted on 9 May 2016 is varied by deleting Conditions 4,5 and 6, and substituting for them the conditions set out in the schedule to this decision letter.

Preliminary Matter and Main Issue

2. With regard to conditions 4 and 5, the Council has indicated that they agree with the variation of the wording suggested by the appellant. Consequently, this matter does not need to be considered in the context of this decision. The main issue is therefore whether the disputed condition No 6 is necessary and reasonable in respect of the visual amenities of the existing building and the conservation area.

Reasons

3. The appeal site is located within the Rectory Grove Conservation Area (CA). The Council's document entitled Rectory Grove Conservation Area Conservation Area Statement (CAS, April 2009) identifies 5 Rectory Grove as a building that makes a positive contribution to the character of the CA.
4. The planning permission includes the installation of a new rear patio door, and alterations to an adjacent door to form a window. Amongst other things, condition 6 requires this new window to be timber framed, and the new door to have a vertical division.
5. In dealing with buildings in conservation areas, it is a generally accepted principle that windows of traditional construction should be replaced with sympathetic materials and detailing, as modern designs can often harm the historic character of a building. In this case, the proposed window and patio door would be clearly contemporary in their design. The new window and door would be metal-framed and would comprise large, single panes of glazing with no vertical or horizontal divisions. The window would be more square in its proportions than the other windows in the elevation.

6. The principle of modern design intervention in the context of the historic built environment is established in the CAS in the section relating to extensions. It is stated that a pastiche of the host building may not be necessary, but contemporary design solutions will still be required to respect the rhythms and essence of the conservation area. In this instance, the size and shape of the new openings would be in keeping with the proportions of the rear elevation. Whilst contrasting with the traditional fenestration, the new elements would complement the building rather than harm it. The use of metal framing and unbroken glazing would be an integral part of the design approach. In my view, the requirement for timber framing and division of the glazing would dilute the plain, modern aesthetic, resulting in an unsatisfactory hybrid of contemporary and traditional elements.
7. Furthermore, the new openings would be located in a secluded position with few views, if any, towards them. Their visual impact on the wider CA would therefore be minimal.
8. I find that no material harm would arise to the appearance of the existing building from the window and door as proposed, and so the character or appearance of the conservation area would be preserved. It is therefore not necessary or reasonable to require the window to be timber, or a vertical division for the door. I will therefore replace the existing condition 6 with one that is limited to the undisputed requirements only. Subject to this amended condition, the proposal would therefore accord with Policy Q11 Lambeth Local Plan (LP, September 2015), insofar as it requires alterations to respond positively to the original architecture, and LP Policy Q22, which seeks to protect conservation areas.

Conclusion

9. For the reasons given above, I conclude that the appeal should succeed. I therefore vary the planning permission by amending the disputed conditions, as set out in the schedule overleaf.

Elaine Gray

Inspector

SCHEDULE OF CONDITIONS

4) No development requiring excavation of the basement area shall take place until a Basement Method Statement and Flood Risk Assessment have been submitted to and approved in writing by the Local Planning Authority. This statement shall include details regarding:

- (a) Detailed site specific analysis of hydrological and geotechnical local ground conditions;
- (b) Analysis of how the excavation of the basement may impact on the water table and any ground water floor, and whether water perched is present;
- (c) Details of how flood risk, including risk from groundwater and surface water flooding has been addressed in the design, including details of any proposed mitigation measures;
- (d) Details of measures proposed to mitigate any risks in relation to land instability;
- (e) Demonstration of how cumulative effects have been considered;
- (f) A comprehensive non-technical summary document of the assessments provided and information submitted against (a) to (e) of this condition.

5) No development requiring excavation of the basement area shall commence until full details of the proposal construction methodology, in the form of a Method of Construction Statement have been submitted to and approved in writing by the local planning authority. The Method of Construction Statement shall include details regarding:

- (a) The notification of neighbours with regard to specific works;
- (b) Advance notification of road closures;
- (c) Details regarding parking, deliveries, and storage;
- (d) Details regarding dust mitigation;
- (e) Details of measures to prevent the deposit of mud and debris on the public highway, and;
- (f) Any other measures to mitigate the impact of construction upon the amenity of the area and the function and safety of the highway network.

The excavation of the basement shall not commence until provision has been made to accommodate all site operatives, 'visitors' and construction vehicles loading, off-loading, parking and turning within the site or otherwise during the construction period in accordance with the approved details. The development shall thereafter be carried out in accordance with the details and measures approved in the Method of Construction Statement.

6) Notwithstanding the approved plans, detailed drawings (at a scale of 1:10) of the new joinery (windows, doors) and the proposed lightwell shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The proposed front lightwell shall sit flush to the ground.