

Appeal Decisions

Site visit made on 14 December 2016

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 17th January 2017

Appeal Ref: APP/N5660/W/16/3152695 (Appeal A)

6 Carpenter's Place, London SW4 7TD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to planning permission.
 - The appeal is made by Mr K Ijaz against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/01034/FUL, dated 15 February 2016, was refused by notice dated 14 April 2016.
 - The development proposed is described as 'erection of additional storey to provide a self-contained residential studio unit'.
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Appeal Ref: APP/N5660/Y/16/3152697 (Appeal B)

6 Carpenter's Place, London SW4 7TD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr K Ijaz against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/01035/LB, dated 15 February 2016, was refused by notice dated 14 April 2016.
 - The development proposed is described as
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Decisions

1. Appeal A and Appeal B are dismissed.

Procedural Matters

2. The Council has confirmed that it does not intend to defend its reason for refusal relating to the provision of affordable housing. I have determined the appeal accordingly.
3. On my site visit I was unable to gain access to 105 Clapham High Street. However, I am content that I am able to assess the impact of the appeal development generally from an external inspection.
4. Appeal A and Appeal B relate to the same site. Whilst I have considered each proposal on its own merits, given that they have much in common, and in the interests of brevity, I have dealt with them in one document.

Main Issues

5. The appeal site is attached to the rear of 105 Clapham High Street. That property is semi-detached and accommodates a shop at ground floor level. Together with 101, 103 and 107 Clapham High Street, it is a grade II listed building. The appeal development and works propose to alter that building. The appeal site is located within the Clapham High Street Conservation Area
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(CHSCA). Having regard to the statutory requirements of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the main issues in this case are whether the proposed works and development would:

- preserve the special architectural or historic interest of the grade II listed building, 105 Clapham High Street and its setting;
- preserve or enhance the character and appearance of the CHSCA.
- provide satisfactory living conditions for future occupiers, with regard to floorspace and garden area;
- affect the living conditions of neighbouring occupiers at 105 Clapham High Street, with regard to daylight and sunlight;
- provide satisfactory cycle storage and refuse and recycling facilities; and
- affect on-street parking in the locality.

Reasons

6. The appeal site includes an undistinguished two storey building with a flat roof. It is in a residential use. It is attached to the rear of 105 Clapham High Street. It is sited side-on to Carpenter's Place, a cul de sac, lined by buildings of varying styles and scales.
7. 105 Clapham High Street, together with its attached partner, forms one part of a pair of Regency three storey semi-detached properties. Each property is one window wide. They all have distinctive, low pitched, double pile roofs. Those elements contribute to the significance of No 105. Although altered over time, and some have large rear extensions, the two pairs of semi-detached properties, display some recognition as a group of similar buildings. 105 Clapham High Street has a tight urban setting and its intimate relationship with the listed group identified, contributes to that setting and its significance as a heritage asset.
8. These listed buildings along with the appeal site to their rear are included within the CHSCA. Carpenter's Place is not. The CHSCA is generally comprised of historic buildings, that front onto the High Street. It has a mix of mainly commercial and residential uses and an urban character and appearance. No 105 and the listed group, of which it forms a part, positively contribute to the character and appearance of the CHSCA. 6 Carpenter's Place, being large in relation to the listed host property and failing to relate to its scale, design or architectural elements, negatively contributes to the significance of the listed property, 105 Clapham High Street, the listed group of which it forms a part and the CHSCA generally.
9. The appeal proposals would be large in relation to the listed building. They would sit on top of the existing rear extension and would be wider than the listed building and of a similar height and depth. Whilst there would be a small gap between the listed building and the proposed extension, the proposals would read as extensions to it and would totally dominate it. Due to their height and width, they would further diminish views of the rear of the listed building and its prominent double pile roof and those of its listed neighbours. As they would be wider than the listed building and would project beyond its

flank wall, they would further erode the gap between the two pairs of Regency buildings that form the listed group, which would reduce the balance and rhythm established within the street and harm the setting of the host listed building. The inclusion of a glass element to the proposed extension, as it would still be seen from the street and would include obscured glass, would appear as a solid structure against the backdrop of the rest of the proposed extension. For this reason, the use of glass would not overcome my concern.

10. Furthermore, the proposed schemes would include an alteration to the distinctive double pile roof of the host listed building, with the introduction of a parapet. This would diminish its distinctive roofline and the similarity appreciable within the group. All in all, for these reasons, the appeal proposals would adversely affect its significance as a heritage asset.
11. As I have identified that the appeal property positively contributes to the character and appearance of the CHSCA, and that the appeal proposals would result in harm to the listed building and its setting, it follows that they would fail to preserve or enhance the character and appearance of the CHSCA. In coming to this conclusion, I have had regard to the fact that the proposed works and development would not be wholly visible from the High Street. However, they would be visible from Carpenter's Place and the rear windows of properties within the CHSCA.
12. In coming to these conclusions, I have taken into account the existing rear extension. I have very limited information on the circumstances that led to it. However, the appeal proposals would add to the harm that results due to that extension, to the host listed building, its setting and the CHSCA. I have also had regard to other development in the locality brought to my attention. However, none replicate the circumstances of this appeal. Whilst the appellant suggests that the car park at the rear of the appeal site will in the future be developed, I have no assurance of this and very limited substantive evidence in this regard.
13. I conclude that the appeal proposals would fail to preserve the special architectural or historic interest of the listed building and its setting and would fail to preserve or enhance the character and appearance of the CHSCA. For these reasons, they would be contrary to Lambeth Local Plan (2015) (LLP) Policies Q11, Q20 and Q22. These, together, seek to preserve or enhance the character and appearance of conservation areas and conserve and not harm the significance or special interest of listed buildings.

Living Conditions-Future Occupiers

14. Although the proposed internal floor space would fall just below the minimum space standard for a studio flat, set out in the Technical Housing Standard¹, on balance, it would be laid out so as to provide an efficient, usable layout and it would be possible to accommodate some internal storage space. Whilst a garden would not be provided, there would be some space at the rear of the appeal site and I note that other residential units in the locality do not appear to provide outdoor garden space, which is not uncommon in a town centre location. Overall, whilst this is finely balanced, due to the efficient layout of the appeal proposals, that they fall just under the nationally described standard and could demonstrate built in storage and that it is an urban area, I consider

¹ Technical Housing Standard-nationally described standard (DCLG 2015)

that the appeal proposals would provide acceptable living conditions for future occupiers. They would therefore generally accord with LLP Policy H5 along with the Mayor of London Housing Supplementary Planning Guidance (2016). These, together, aim for new residential development to accord with the principles of good design and that all new homes are functional and fit for purpose and offer the potential to be occupied over time by households of all tenures. As the proposed development is not a residential conversion, LLP Policy H6 is not directly relevant to this appeal.

Living Conditions-Existing Occupiers

15. The appeal property would be very close to the windows of the residential unit on the upper floors of 105 Clapham High Street. Whilst the Council suggests that the proposed addition would fall within a 45 degree line taken from those windows, I have very limited substantive evidence in this regard. Whilst it may fall within such a 45 degree line, those windows are close to the significant bulk of the flank elevation of 103 Clapham High Street, which would limit daylight and sunlight already. Furthermore, the element of the proposed build nearest would be an obscured glass structure, through which some daylight and sunlight would be likely to penetrate. For these reasons, I consider that the proposed extension would have a limited impact on the daylight and sunlight that would be received into those windows. Therefore, the appeal proposals would generally accord with LLP Policy Q2, which supports development that protects the amenity of existing and future occupants and neighbours.

Waste Storage and Cycle Parking

16. Refuse, recycling and cycle storage are not shown on the appeal plans, including the red line plan. As there would be limited external space to the front and rear of the appeal site, even though existing refuse and recycling storage and collection arrangements are considered satisfactory and little waste is generated, I am not convinced that it could accommodate refuse, recycling and cycle storage. As the space available is limited, this would be the case even if shared refuse storage was proposed and whether bin enclosures were required or not. For this reason, it has not been demonstrated that the appeal development would satisfy the provisions of LLP Policies T3 and Q12. Those policies seek adequate refuse storage and the provision of appropriate secure and covered cycle parking facilities in development proposals that would generate additional trips. In these circumstances, in this regard, I cannot be convinced that the use of planning conditions to control these matters would be reasonable and enforceable and thereby comply with the tests set out in paragraph 206 of the National Planning Policy Framework (the Framework).

Vehicle Parking

17. Off-street parking is not included within the appeal proposal. On-street parking is restricted in Carpenter's Place and the appeal site is located within a Controlled Parking Zone. The proposed development would be likely therefore to result in additional parking pressure in an area which is already heavily parked.
18. However, as the appeal site is located in a town centre with excellent public transport accessibility, the Council requires the appellant to enter into a legal agreement to ensure that the proposed development would be car permit free. I note that the appellant is willing to enter into such an agreement. None is

before me. In the absence of such a legal agreement, the appeal development would be likely to result in an increase in parking pressure in the locality and would be contrary to LLP Policies T6 and T7. Those policies aim that development should be supported where they do not have unacceptable transport impacts, including cumulative impacts and should be car free in areas where alternative modes of transport are available and where public transport accessibility is high.

19. If I were minded to allow this appeal I would have gone back to the two main parties on this matter. However, on the basis of my previous findings, as this matter would not change the outcome of the appeal, I have no reason to consider this further. I have also considered whether a planning condition would overcome my concern. However, in this regard, I have considered the advice in the Planning Practice Guidance² which sets out that a condition to request a legal agreement should only be used in exceptional circumstances, such as more complex or strategically important development. As the appeal development and works do not fall within that type of development, I consider that the use of a planning condition in this regard would not be appropriate.

Other Matters

20. In coming to the above conclusions, I have had regard to a previous appeal decision brought to my attention (Ref APP/N5660/A/12/2175068). That involved a similar proposal of a different more contemporary design. I have generally concurred with the views of my Colleague, where relevant to this appeal.

Public Benefits

21. In accordance with paragraph 132 of the Framework, I accord great weight to the conservation of a designated heritage asset. I consider that the harm to the significance of the listed building, including its setting, and to the CHSCA, would be less than substantial, a matter to which I attach considerable importance and weight. However, in this case, no public benefits, as identified in paragraph 134 of the Framework, are before me, which would outweigh that harm. In carrying out this balance, I have had regard to the provision of an additional unit of residential accommodation, in a location close to public transport, facilities and services and that it would be on a previously used site, a matter which is uncontested in the evidence before me. I have also taken account of the additional investment demonstrated by the appeal proposals and that it would be built to current standards. I have no substantive evidence before me to suggest that the optimal viable use of the host listed building is at risk, or that the proposed extension would enable it to stay in that use.

Conclusion

22. For the above reasons, and taking all other matters raised into consideration, I conclude that both appeals should be dismissed.

R Barrett

INSPECTOR

² ID 21a-010-20140306