



Appeal Decision

Site visit made on 28 February 2017

by Philip Willmer BSc Dip Arch RIBA

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

Decision date: 14th March 2017

Appeal Ref: APP/N5660/D/16/3165739
69 Heybridge Avenue, London, SW16 3DY.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr Kevin Wright against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/04764/FUL, dated 10 August 2016, was refused by notice dated 4 October 2016.
 - The development proposed is to create a garden room to house fitness equipment.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The applicant was, and the appellant is, Dr and not Mr Kevin Wright. I have amended the bullet point above accordingly.

Main Issue

3. I consider the main issue to be the effect of the proposal on the character and appearance of the host property and the surrounding area and thereby whether the proposed development would serve to preserve or enhance the character or appearance of the Streatham Lodge Estate Conservation Area.

Reasons

Character and appearance

4. The property the subject of this appeal, 69 Heybridge Avenue, is one half of a semi-detached pair of houses. They, in turn, are one of a number of similar large semi-detached properties that characterise this part of the street. Like its neighbours, number 69 has a relatively large rear garden. The property is located within the Streatham Lodge Estate Conservation Area.
5. The appellant proposes the construction of a single storey outbuilding to be used as a garden gym. It is shown to be located at the far end of the rear garden. The building would measure overall some 6.23 metres by 6.90 metres and have an 'L' shaped footprint partially enclosing an area of decking shown to be 2.0 metres x 4.03 metres. The gym would be built hard up against the side and rear boundaries of the property. I understand, from the evidence provided, that the new outbuilding would replace a former structure removed last year.

6. Section (c) of Policy Q14 (*Development in gardens and backland sites*) of the Lambeth Local Plan (September 2015) (LP) advises that development in rear gardens has the potential to erode the amenity and habitat value of rear gardens generally. Accordingly, along with other things, it requires new buildings to be: criterion (ii) single storey and subordinate in form; criterion (iii) set back at least 1.0 metre from all site boundaries, not only to allow for access but also to provide gaps between buildings; criterion (iv) well designed with visually attractive materials (including the roof when viewed from adjoining properties); and criterion (v) that there would be no adverse impact when considered cumulatively with other garden structures in the same block of gardens. Furthermore, at criterion (i) it states that a significant proportion (no less than 70 per cent) of the existing garden is retained with the host building.
7. As I observed a number of neighbouring properties have large outbuildings sited at the ends of their gardens. However, these generally appeared to be simple flat roof timber clad structures, a number of which have been set in from their enclosing garden boundaries.
8. In contrast to the other nearby garden buildings, it is proposed that while the small return, to house a shower and toilet, would have a flat roof, that of the gym would be pitched (two different pitches) with an overall height of some 3.855 metres and tile clad. Further, a roof dome and two rooflights would be built into the new roofs. Although I understand that the appellant would be prepared to change the doors and windows from uPVC as specified to timber, the building would nevertheless be of heavyweight masonry construction, built of brick and block.
9. In my judgement, the building would appear overly fussy in its design and appearance due to the 'L' shape form of the building, the adoption of both flat and unequal pitched roofs, the resulting overall three dimensional form of the building and the number and design of openings proposed together with the selected materials. It would therefore be neither subordinate nor visually attractive. As designed, therefore, I do not consider that the building would accord with criteria (ii) and (iv) of LP Policy Q14.
10. Furthermore, although its siting at the end of the garden may be appropriate in principle, as the proposed building would fill the full width of the plot and be built up to the rear boundary, it would fail to accord with criterion (iii) of the policy. In addition, due to the building's overall design and lack of gaps to the boundaries, when considered cumulatively with the existing neighbouring garden structures, it would visually, in this case, have a detrimental adverse impact contrary to criterion (v).
11. As acknowledged by the appellant, the proposed development (building and decking combined) would result in less than 70% of the existing garden being retained. However, the difference would only be about 4.3 square metres or so. Given the overall size of the garden and the fact that the deck itself, which would be an open space, would extend to some 8.0 square metres, I am not persuaded that the proposed development would, in this case, result in such a significant loss of retained garden space, in itself, as to cause harm to the openness of the rear garden as feared by the Council. Accordingly, although less than 70%, I consider in this case that the development would accord with the objectives of criterion (i) of LP Policy Q14.

12. I do not consider that the proposal would result in a significant loss of existing rear garden space. However, due to its design and siting, the proposal would nevertheless cause harm to the character and appearance of the host property and the surrounding area and, thereby, would not serve to preserve or enhance the character or appearance of the Streatham Lodge Estate Conservation Area.
13. The National Planning Policy Framework (the Framework) requires great weight to be given to the conservation of designated heritage assets, which include conservation areas. It draws a distinction between substantial harm and less than substantial harm to such an asset. For the latter, which applies here, the test is that the harm should be weighed against public benefits, including securing the optimum viable use.
14. The proposed outbuilding, in terms of its construction, would provide some limited economic benefit. However, given the harm that has been identified I conclude that the public benefits would not outweigh this harm, or the conflict that the development would have with the objectives of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Framework, LP Policies Q8, Q11, Q14 and Q22 and the Council's Supplementary Planning Document (SPD) *Building Alterations and Extensions* (September 2015), as they relate to the quality of development and the preservation or enhancement of the character or appearance of conservation areas.

Conclusions

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Philip Willmer

INSPECTOR