

Appeal Decision

Site visit made on 7 March 2017

by J A B Gresty MA MRICS

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

Decision date: 22 March 2017

Appeal Ref: APP/N5660/Z/16/3165596
400 – 402 Coldharbour Lane, London SW9 8LF

- 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 Marsh & Parsons against the decision of the Council for the London Borough of Lambeth.
 - The application Ref 16/05996/FUL, dated 9 August 2016, was refused by notice dated 14 December 2016.
 - The development proposed is a new glazed shopfront and entrance, a new air conditioning system with external condenser located in light well.
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Decision

1. The appeal is allowed and planning permission is granted for a new air conditioning system with external condenser located in light well at 400 – 402 Coldharbour Lane, London SW9 8LF in accordance with the terms of the application Ref 16/05996/FUL, dated 9 August 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Noise from the air conditioning equipment and plant hereby approved, as measured in accordance with BS4142: 2014, shall not exceed the background noise level L90dB(A) 15 minutes, when measured within one metre of the habitable room windows of any of the nearest residential premises.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: E008-031 Rev A, 002, E008-012, E008-019 and Duct Sketch.
2. The appeal is dismissed with respect to the new glazed shopfront and entrance.

Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the Brixton Conservation Area.

Reasons

4. The appeal development includes a new ground floor shop front which has been installed on the front elevation of the appeal property, a three-storey Victorian
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mid-terrace building. The shop front includes a large, plain plate glass window and plate glass door which rise from about ground level to a new fascia above the window and door. The fascia, which spans the width of the shopfront, is a prominent feature of the front of the appeal property and is coloured black with bold red and white writing on it. Above the new fascia is what appears to be the remains of an older shop front, painted black. Overall the shop front has a neat and tidy, contemporary appearance.

5. The appeal property is situated in the Brixton Conservation Area. This part of the Coldharbour Lane is characterised by its distinctive buildings, many dating from the nineteenth and early twentieth centuries, with ground floor commercial premises. Most of the premises have traditional style shop fronts with framed windows above low level infill panels and framed, part-glazed doors. Whilst the design, decoration and standard of repair of the shop fronts on this part of Coldharbour Lane varies considerably, the traditional appearance of many of the shop fronts complements the character and appearance of the local area and the Conservation Area as a whole.
6. The Brixton Conservation Area Statement indicates that replacement shop fronts should follow traditional principles to reintroduce the essence of traditional shop fronts. The new shop front stands out in the street scene as having a relatively stark and modern appearance which is at odds with the prevailing style of shop fronts on this part of Coldharbour Lane. In this respect it fails to meet the aims of the Conservation Area Statement and does not comply with the requirements of Policies Q11, Q16 and Q22 of the Lambeth Local Plan (LP).
7. The second main element of the appeal scheme is new air conditioning equipment. The appellant's design and access statement indicates that the equipment would be installed on the rear elevation of the appeal property and the application drawings show that the new equipment would not be visible from the public domain. In view of the relatively small size of the equipment, its position at the back of the property and that it would not be visible from the public domain, I concur with the Council that the air conditioning equipment would not be harmful to the character or appearance of the Brixton Conservation Area and it would accord with the requirements of LP Policy Q22.

Conclusions

8. The development scheme consists of two distinct parts which I am able to separate. Accordingly, I issue a split decision.
9. Whilst the new shop front has a tidy, well maintained appearance, it is out of keeping with the traditional style of shop fronts prevailing in the local area. Consequently, it is harmful to the character and appearance of the Brixton Conservation Area and, on balance and for the above reasons, I conclude that the appeal should be dismissed with regard to the new shop front.
10. The proposed air conditioning equipment would not result in harm to the character and appearance of the local area. Consequently the character and appearance of the Brixton Conservation Area would be preserved and, for the above reasons, I conclude that the appeal should be allowed with respect to the new air conditioning equipment.

Conditions

11. There are residential properties near to the appeal premises. An excessive amount and level of noise from the air conditioning unit could result in undue disturbance of the occupiers of the nearest dwellings. In order to protect the living conditions of the occupiers of these dwellings, I impose a condition which would require the noise emitted by the equipment not to exceed the levels approved by the Council.
12. For the avoidance of doubt and in the interests of good planning, I impose a condition requiring the development to be carried out in accordance with the approved plans.

J A B Gresty

INSPECTOR