
Appeal Decision

Site visit made on 22 May 2017

by C L Humphrey BA (Hons) DipTP MRTPI

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

Decision date: 30th May 2017

Appeal Ref: APP/N5660/D/17/3172082
63 Brixton Water Lane, London SW2 1PH

- 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 Mr Adrian Worrall against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/06067/FUL, dated 23 October 2016, was refused by notice dated 11 January 2017.
 - The development proposed was described as 'Conversion of a double garage into an ancillary outbuilding'.
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Decision

1. The appeal is allowed and planning permission is granted for the extension and conversion of a double garage into an ancillary outbuilding at 63 Brixton Water Lane, London SW2 1PH in accordance with the terms of the application, Ref 16/06067/FUL, dated 23 October 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 122 00.01, 122 PE01, 122 PE02, 122 PP01, 122 PP02 and Design, Access & Heritage Statement.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plans no. 122 PP01 and 122 PP02.
 - 4) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 63 Brixton Water Lane, London SW2 1PH.

Procedural Matter

2. The description of development set out in the banner heading above is taken from the application form. The Council's decision notice describes the proposal as 'Demolition of a double garage and erection of an enlarged ancillary outbuilding'. However, it is clear from the submitted plans and supporting information that the proposal involves the extension of the existing double garage rather than its demolition and redevelopment, and the appellant has confirmed that this is the case. I have therefore amended the description of development in the formal Decision above to include reference to the proposed extension since no party would be prejudiced or caused any injustice by me taking this course of action.
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Main Issues

3. The main issues are the effect of the appeal proposal upon:
 - a) The character and appearance of the Brixton Water Lane Conservation Area;
 - b) The living conditions of the occupants of neighbouring residential properties on Morval Road, with particular regard to fumes and smells; and
 - c) On-street parking in the surrounding area.

Reasons

Character and appearance

4. The appeal property is one of a short terrace of houses situated on the north side of Brixton Water Lane within Brixton Water Lane Conservation Area (the Conservation Area). The houses have long back gardens, with a gated lane to the rear which provides access to the garages and outbuildings set at the end of the gardens. On the north side of the lane is a terrace of houses fronting Morval Road. The Conservation Area is characterised by early 19th century houses set in spacious plots with mature trees in the generous back gardens, and a late 19th century public house which is a landmark building on the corner of Effra Road and Brixton Water Lane.
5. The depth of the existing garage would be extended by approximately 1 metre bringing the northern elevation of the proposed development into alignment with the neighbouring garages to the east. A part pitched, part flat roof would increase the overall height of the structure to around 4 metres. Although this would be higher than the adjacent garages I noted during my site visit that, in the vicinity of the appeal site, there are outbuildings with pitched roofs at the end of the back gardens of 2 properties to the east. Therefore, the appeal proposal would not appear uncharacteristically large or dominant in this context. A flue from a wood burning stove would terminate about 1 metre above the top of the roof. The flue would be fairly slender and sited in the central part of the roof, and so would not be unduly prominent or intrusive.
6. The Council has raised concerns about the effect of the proposed development upon mature trees within the back garden of the appeal property, which are characteristic of the landscaped setting of the houses in the Conservation Area. I note from the evidence before me that application reference 16/03741/TCA for the removal of a Pine tree from the back garden was approved by the Council on 29 July 2016. This tree has now been felled. There is a mature Eucalyptus tree in close proximity to the proposed development. However, the ground bearing slab and side walls of the existing garage are to be retained and the proposed new timber stud wall on the southern elevation facing the garden would be built on the existing ground slab. It would therefore appear from the submitted evidence that the appeal proposal would have no adverse effect upon the Eucalyptus tree.
7. For the reasons set out above, I conclude that the proposed development would preserve the character and appearance of the Conservation Area. As such, it would accord with the design, landscaping, heritage protection and conservation aims of Policies Q7, Q10, Q11, Q14 and Q22 of the Lambeth Local Plan (the Local Plan).

Living conditions

8. Given the ancillary domestic nature of the proposed development, the fairly small scale of the flue and the distance of around 10 metres to the rear elevation of the houses on Morval Road, I am not persuaded that the appeal proposal would emit fumes and smells to such a degree as to give rise to harm. I therefore conclude that the appeal proposal would not have a harmful effect upon the living conditions of the occupants of neighbouring residential properties on Morval Road with particular regard to fumes and smells, and would accord with the amenity protection aims of Local Plan Policy Q2.

Parking

9. I noted during my site visit that the existing garage is used for storage rather than parking. The appellant has confirmed that they park their car either in the rear lane or on Brixton Water Lane. There were some cars parked in the rear lane at the time of my visit, and there is a controlled parking zone on Brixton Water Lane with on-street parking bays on both sides of the road. The submitted evidence indicates spare capacity within the on-street parking and I noted during my site visit, which took place around midday on a weekday, that this was the case. I have no evidence that the existing on-street parking in the vicinity of the appeal site is at capacity or that the appeal proposal would displace car parking. I therefore conclude that the proposed development would not have a harmful effect upon on-street parking in the surrounding area. As such, it would accord with Local Plan Policy T6 which seeks to ensure development does not have unacceptable transport impacts.

Other matters

10. The Council has referred to an error on the appeal form which states that the area of the whole appeal site is 4.2715 hectares; the appellant has confirmed that the site area is in fact 0.0427 hectares. Neighbours have raised concerns relating to the effect of the proposed development upon party and boundary walls. This would be a private matter between the parties involved and is not within my jurisdiction.

Conditions

11. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings in the interests of certainty. In order to ensure the suitable appearance of the development I have imposed a condition relating to materials. I note that the Council's delegated report and neighbour responses refer to the need for a condition to restrict the use of the proposed development to ancillary accommodation associated with the main dwelling. In order to protect the living conditions of neighbouring residents and future occupants of the proposed development and to preserve the character of the Conservation Area, I have imposed a condition to this effect.

Conclusion

12. For the reasons set out above and having regard to all other matters raised I conclude that the appeal should be allowed.

CL Humphrey

INSPECTOR