
Appeal Decision

Site visit made on 5 June 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 28 June 2017

Appeal Ref: APP/N5660/W/17/3170337

Broomwood Hall School, 3 Garrads Road, London SW16 1JZ

- 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 Broomwood Hall School Ltd against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/05820/FUL, dated 11 October 2016, was refused by notice dated 14 December 2016.
 - The development proposed is the erection of an extension to provide a multi-purpose dining hall, kitchen, three classrooms, lift and ancillary facilities.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Broomwood Hall School Ltd against the Council of the London Borough of Lambeth. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the living conditions of the occupants of No 1 Garrads Road with particular regard to outlook and light.
 - The effect of the proposed development on heritage assets and in particular whether the proposed development would preserve or enhance the character or appearance of the Streatham Park–Garrads Road Conservation Area and the effect on the setting of the host property which is a non-designated heritage asset.

Reasons

Living Conditions

4. The appeal site comprises a former Edwardian villa that has been converted into a private school and is set in substantial grounds that are used as playing areas. It is located within the Streatham Park–Garrads Road Conservation area and lies directly opposite Tooting Bec Common. The property has been designated on the Council's Local Heritage List as a non-designated heritage asset. To the north of the site is No 1 Garrads Road which is a relatively large
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property that has been converted into flats and is also set in substantial grounds with the boundary between the two properties being formed of a close boarded timber fence with hedging and mature trees.

5. The proposed development would involve the construction of a two storey extension, with the first floor accommodation being in the roof space, that would be attached to the northern flank wall of the host property and extend to within approximately 1.3m of the boundary with No 1. The proposed front (western) elevation would be positioned slightly behind that of the host building. The northern elevation would extend approximately 30m in length and would be positioned parallel with the boundary with No 1. There is some variation in the officer's report regarding the height of the proposed extension, although the maximum height identified would be approximately 4.1m to the eaves. The apex would be approximately 7.7m high in the vicinity of the host building and would then reduce by approximately 1m for the majority of its length.
6. The appellant indicates that there would be approximately 10m between the northern façade of the proposed extension and the south façade of No 1 which contains habitable room windows to flats on the ground floor and first floor. The intervening garden area is shared by the occupiers of Flats 1 and 4. The Council has not drawn my attention to any adopted separation distances between existing and proposed buildings.
7. In order to consider the effect of the proposed development on the daylight and sunlight received at the windows in the south elevation of No 1, a Daylight and Sunlight Assessment has been provided. This accords with the Building Research Establishment (BRE) Report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' which I accept, in the absence of any other planning policy guidance, is an established document to consider the impact of new development on daylight and sunlight. Consequently, I have attached moderate weight to this assessment.
8. The BRE guide recommends that new development should not cause the Vertical Sky Component (a measure of the general amount of light available on the outside plane of a window as a ratio of the total unobstructed sky viewable following the introduction of a barrier such as a building) to be no less than 80% of its former value. This information demonstrates that there would be no noticeable loss of sunlight or daylight to the windows in the habitable rooms of No 1 and that the requirements of the BRE Guidance are met.
9. In addition, a Sunlight Amenity Study and Transient Shadow Assessment, as recommended in the BRE Guidance, have been undertaken in respect of the garden areas to the south of No 1.
10. The Sunlight Amenity Test quantifies the area of garden that receives at least two hours of sunlight on 21st March in both the existing and proposed situations and suggests that for a space to appear well-sunlit it should receive two or more hours of sunlight to at least 50% of its area. The results of the analysis show that the areas assessed would continue to receive two or more hours of sunlight to at least 80% of the area.
11. The Transient Overshadowing Assessment requires the production of shadow diagrams for differing times of the year. The assessments for 21 March and 21 September are identical as they represent the sun's midpoint through its

- annual travel and show that the effects of the existing buildings are similar to that of the proposed development with a small amount of shadow being cast into the rear garden of No 1.
12. The conclusions of these assessments identifies that on 21 June a small area of shadow, approximately 1m deep would occur between the hours of 09.00 and 14.00. The 21 December assessment is when the sun is at its lowest angle in the sky and the conclusions suggest that there would be some shadowing but as the overall assessment easily complies with the Sunlight Amenity criteria and that the increase in shadows cast in the spring, summer and autumn months are shown to be minor, the overall impact of the proposed development would be minor.
 13. There is some dispute between the appellant and interested parties as to whether the results of the Transient Overshadowing Assessment are correct. Interested parties have also produced an independent assessment which suggests that the gardens at No 1 will receive significant additional shadow as a consequence of the proposed development.
 14. Whilst I have no conclusive evidence as to which assessment may be correct, the Council's statement accepts that the proposed development would meet the requirements of the Sunlight Amenity Test but there would be some shadowing in the winter months. The BRE Guidance does not contain any criteria to assess the transient shadow analysis and, as such, consideration of shadow impacts has to be made on a subjective basis. Given that other quantitative tests in the BRE guidance are met, I do not consider that the shadowing of the garden during the winter months would be a sustainable reason for the dismissal of the appeal.
 15. Therefore, the sunlight and daylight assessments demonstrate that the appeal property is capable of being extended in a manner that would not cause an unacceptable reduction in daylight and sunlight to the occupants of the flats at No 1.
 16. I recognise that design has been developed with some consideration of the impact on outlook for the occupants of the flats and users of the garden at No 1. However, the proposed development would result in the provision of an elongated building positioned in close proximity to the boundary with No 1 and extending a distance of approximately 30m with a height between approximately 7.7m and 6.7 m. Owing to its length, there would be a considerable mass of flank wall and roof positioned in close proximity to the property boundary. Consequently, the proposed extension would unacceptably dominate views from the south facing windows of the flats and from the garden.
 17. The proposed development would considerably erode the current open gap that exists between the two existing properties and replace this with a substantial mass of built development that would effectively form an enclosing feature located in close proximity to the property boundary. In parts this would be considerably higher than the intervening vegetation and would substantially eliminate views to the south from the windows at No1 and its garden. Consequently, it would create an unacceptable and oppressive sense of enclosure.

18. I recognise that there is some scope for an extension to the school that may be positioned close to the boundary with No 1. However, as a consequence of its length and height, the proposed scheme this would result in a substantial mass of development extending along the property boundary that would appear unacceptably dominant and overbearing.
19. The Council has also expressed concern regarding the presence of the side dormer window on the north facing roof and indicates that this would also contribute to the bulk and dominance of the extension. I consider the design, scale and mass of the proposed dormer to be appropriate in relation to the roof structure proposed. However, it would face directly towards the windows in the flats at No 1. Whilst I recognise that this dormer would be provided obscure glazing it would nonetheless contribute to a perception of overlooking. This further adds to my concerns regarding the impact on the living conditions of adjoining residents.
20. Although I have found that the proposed development would not cause any material loss of sunlight or daylight, as a consequence of its length and height it would cause an unacceptable sense of enclosure and overbearing outlook. This would harm the living conditions of the occupants of the flats in No 1 Garrads Road that have windows facing the appeal site and the users of the garden. The proposed development would therefore be contrary to Policy Q2 of the Lambeth Local Plan 2015 (Local Plan). This policy, amongst other things, requires that new development should not compromise visual amenity from adjoining sites and should provide adequate outlook, avoiding wherever possible any undue sense of enclosure.

Heritage assets

21. The design of the proposed extension would be reflective of many of the design elements of the host property and would be predominantly constructed of brick with a slate tile hipped roof, containing roof dormers. However, elements of render, cedar boarding and the use of powder coated doors are also proposed in the external materials.
22. The Council accept that the proposed extension would be subordinate to the existing building and that its design, scale, bulk and mass respond appropriately to the original architecture of the host property. I have no reasons to disagree with the Council's view that the proposed extension would not appear as awkward or incongruous and would sustain the setting of the non-designated heritage asset. In my view, the design, scale, mass and fenestration proportions of the proposed development would have an acceptable relationship to the host property.
23. Due to the existing close boarded fence and substantial hedging along the frontage of the site, public views from Garrads Road would be limited to the upper parts of the proposed extension. Given its design relationship with the host building, in such views it would not appear as being incongruous or at odds with the character or appearance of this part of the Conservation Area.
24. The Council's concerns relate to the use of render, cedar boarding and powder coated frames in the proposed construction materials and suggest that these would not be in keeping with the host building. In addition, the Council suggest that the use of the boarding and render would require continued maintenance to sustain an appropriate appearance. My attention has been

drawn to paragraph 3.26 of the adopted Supplementary Planning Document - Building Alterations & Extensions (SPD). This identifies that the predominant traditional construction materials in Lambeth are brick, natural slates and clay tiles and that render and timber cladding will generally be resisted on new work unless the host building is already finished in these materials as neither material weathers well in urban environments and they both require regular treatment or redecoration to maintain a smart appearance, placing an unnecessary maintenance burden on property owners. As a consequence of the proposed use of these materials, the Council suggests that the proposed development would not preserve the character or appearance of the Conservation Area.

25. Several properties in the vicinity of the appeal site, including parts of the host property, utilise render on the external facades. The proposed extension would have a small rendered band between the brick work of the ground floor and the eaves. The limited use of this material in the proposed development would neither be uncommon within the context of the Conservation Area as a whole nor be out of place with the host building. Consequently, its use would not be contrary to the guidance provided within the SPD.
26. Approximately half of the north elevation of the proposed extension in the vicinity of the boundary with No 1 is proposed to be formed of horizontal cedar boarding. This would extend from floor level up to the render band level. The appellant suggests that the use of this material would help to soften the appearance of the extension in views from the garden area of No 1.
27. From my observations of the properties in the vicinity of the appeal site I accept the Council's view that cedar boarding is uncommon in this part of the Conservation Area and is not a construction material that is present in the host building. Therefore, its use would be at odds with the character of the Conservation Area and the host building. Although views of the boarding would be limited to the garden area of No1, in such views it would appear as a stark contrast to the brickwork proposed on the remaining half of this elevation. I also share the Council's concerns that cedar boarding does require regular treatment if its appearance is to be maintained and as such its use would not accord with the guidance provide in the SPD
28. The appellant has suggested that a condition could be imposed requiring the submission of details of alternative materials to be used on this elevation, although I note the Council's views that this may represent a significant amendment to the scheme. Given the limited extent of the proposed cedar boarding relative to the overall extension and its limitation in views, a condition requiring the submission of details of alternative materials proposed on the north elevation would be appropriate, were I minded to allow the appeal. This would not represent a significant amendment to the scheme.
29. However, the application considered by the Council proposed the use of cedar boarding and no alternative material was suggested. The use of this material would not be representative of the predominant construction materials used in the area. It would appear as an incongruous material in contrast to the proposed use of brick on the remaining half of the northern elevation with the result that this flank would appear as being disjointed. The use of cedar boarding in this context would not preserve the character or appearance of this

- part of the Conservation Area and would be contrary to the guidance provided in the SPD.
30. The proposed window frames would be constructed of hardwood which would be entirely consistent with those of the host building. The use of aluminium powder coat is proposed in the panels of the entrance doors and the doors that would extend almost the whole length of the south elevation. These panels would be fitted within a hardwood sub frame.
 31. Public views of the doors would be limited to the proposed entrance door in the west (front) elevation which would form part of the joining feature between the host property and the proposed extension. Owing to the existing fence and proposed replanted hedge along the frontage of the site, views of this door would be limited. All of the other proposed doors would only be readily visible from within the existing play area of the school.
 32. Given the limitation in views of the proposed doors and the fact that the frame would be of a hardwood construction, I do not consider that the proposed use of powder coating in the door panels would cause any demonstrable harm to the character of appearance of the Conservation Area as a whole of an extent that would warrant the dismissal of this appeal on that ground alone.
 33. The Council has also expressed concerns regarding the location of the proposed cycle storage unit which would be positioned to the front of the west façade of the proposed extension. Although no detailed designs of the facility were submitted with the application, the appellant has provided an indicative drawing showing a simple lightweight glass and steel structure approximately 2.2m high and providing storage for 28 cycles. The structure would be positioned behind the close boarded fence and hedge to the frontage of the site.
 34. Policy Q13 of the Local Plan requires, amongst other things, that cycle storage facilities should be conveniently accessed from outside the building, be covered and provide safe and secure storage and should not compromise the visual amenity of front gardens/forecourts. Owing to the proposed position of the facility, the Council indicate that it would create unnecessary clutter, be visually intrusive and be out of character with the setting of the site.
 35. Given the extent of existing play paraphilia on the site, it would appear that wherever the cycle facility is placed it could be argued that it would add to clutter. However, I recognise that the site is part of an active school and cycle storage facilities are an integral part of encouraging alternative means of transport to the school other than by car. I also recognise the need for the cycle store to be located close to the point of access to the school thereby avoiding the need to bring these through play areas of the school grounds.
 36. The appellant indicates that the cycle store would occupy 6.8% of the total front garden area of the site. The appearance of the remaining front garden would remain largely unchanged. The proposed cycle store would introduce a structure that would cause some change to the appearance of a small corner at the front of the site. However, given the small scale nature of the cycle store and the fact that the garden immediately to the front of the host property would remain largely unchanged, I do not consider that it would be visually intrusive or cause clutter to the extent that the setting of the non-designated heritage asset would be harmed.

37. The roof of the cycle store would be temporarily visible above the height of the frontage fence until the replanted hedge matures. However, given the small scale nature of the structure and the fact that in the longer term it would not be visible in public views, it would not cause any unacceptable harm to the character or appearance of the Conservation Area.
38. Taking the above factors into account, the proposed development would not unacceptably affect the setting of the non-designated heritage asset. However, the use of cedar boarding on the northern elevation of the proposed extension would fail to preserve the character or appearance of the Conservation Area.
39. In the context of the National Planning Policy Framework (the Framework) great weight should be given to the conservation of a designated heritage asset. Although I consider the harm to be less than substantial, any harm should require clear and convincing justification. In this case I have taken into account the identified benefit of providing places at the private school and therefore the possibly freeing up public places at other schools in the area. However, I do not consider that this would constitute a public benefit of an extent that would outweigh the great weight that should be given to the designated heritage assets conservation. There are no other public benefits that would outweigh the harm.
40. Accordingly, as a consequence of the proposed use of cedar boarding, the proposal conflicts with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would not accord with paragraphs 131 and 132 of the Framework. It would also be contrary to Policies Q5, Q7, Q8, Q11 and Q22 of the Local Plan. These policies, amongst other things, require that development within a Conservation Area should preserve the character or appearance of the Conservation Area, that construction detailing is used that is maintenance free, that local distinctiveness is maintained and that it should positively respond to the original materials of the host building.
41. However, for the reasons identified above there would be no conflict with Policy Q13, relating to cycle storage or Policy Q23 which, amongst other things, requires development to protect the setting of non-designated heritage assets

Other matters

42. Part of the Council's third reason for the refusal of planning permission suggests that the proposed cycle store would erode the habitat value of the application site. However, no evidence is provided in the officer's report or appeal statement to substantiate this matter.
43. The appellant has provided a Phase 1 Habitat Survey & Protected Species Scoping Assessment which demonstrates that the site is considered low in ecological value with minimal potential to support protected, priority or rare species. The assessment identifies that the proposed development would have minimal risk of harm or impact to protected, priority or notable species or habitats. In the absence of any other evidence to the contrary, I have placed considerable weight of the findings of this assessment. Given the low habitat and ecological potential of the site I conclude that the proposed development would not erode any habitat value that would be a significant material consideration in the determination of this appeal.

44. Local residents have expressed concerns that the proposed development would lead to increased parking pressure on the roads in the vicinity of the school. However, the proposal does not seek to increase the number of pupils attending the school. As the proposed development would not introduce additional pupil numbers there would be a neutral impact on parking stress in the area.

Conclusion

45. I have found that the proposed extension would unlikely cause any loss of daylight and sunlight to the windows in the flats at No 1 Garrads Road, would provide adequate arrangements for cycle parking and would not affect the setting of the non-designated heritage asset. I have also taken into account the advice provided in paragraph 72 of the Framework and the weight to be attached to the need to create, expand or alter schools. Notwithstanding the fact that the school is an independent preparatory school it does make an important contribution to education provision in the Borough. These are all matters that weigh in its favour.
46. However, none of them is sufficient, individually or cumulatively, to outweigh the harm identified in respect of its impact on the living conditions of the occupants of No 1 as a consequence of the loss of outlook and sense of enclosure that would be created by the extent of the mass of the building located in such close proximity to the property boundary and the failure to preserve the character or appearance of the Conservation Area as a consequence of the use of cedar boarding.
47. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR