



Appeal Decision

Site visit made on 4 July 2017

by Katie McDonald MSc MRTPI

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

Decision date: 31 July 2017

Appeal Ref: APP/N5660/D/17/3169844
409 Wandsworth Road, London SW8 2JP

- 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 D Hanif (Keystone Holdings) against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/06264/FUL, dated 2 November 2016, was refused by notice dated 13 January 2017.
 - The development proposed is a single storey rear extension and rear boundary wall.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and rear boundary wall at 409 Wandsworth Road, London SW8 2JP, in accordance with the terms of the application No 16/06264/FUL, dated 2 November 2016, subject to the conditions set out in the attached schedule.

Procedural Matters

2. At the time of my site visit, the rear yard at the appeal property was filled with a single storey extension. A colleague Inspector recently dismissed an appeal in relation to that development (APP/N5660/W/16/3142341). An enforcement notice in relation to the same was also upheld by another Inspector (APP/N5660/C/16/3155563). The scheme the subject of the appeal before me comprises, in essence, a reduction in the depth of the existing unlawful extension, together with the erection of a new rear boundary wall. That is reflected in the description of development set out in the header above.

Main Issue

3. The main issue is the effect of the development upon the character and appearance of the Wandsworth Road Conservation Area.

Reasons

4. The appeal property lies within the linear Wandsworth Road Conservation Area, the character and appearance of which is defined largely by the mainly 19th Century buildings of two or three storeys in height with narrow frontages. The three storey appeal premises forms part of a short row of properties with commercial and retail uses at ground floor. In my view, the heritage significance of the Conservation Area derives largely from the contribution of the architectural and historic quality, character and coherence of the historic buildings that line Wandsworth Road.

5. The proposal is for a single storey flat roof extension, which would extend across the full width of the plot. Unlike the unauthorised extension however, it would be set back some 1.3 metres from the rear boundary, behind a new boundary wall. Whilst the submitted plans show a brick wall with a trellis on top, such an arrangement would not reflect the more architecturally robust walling that characterises the rear of the traditional buildings here. However, the appellant has indicated a willingness to include a full height brick wall. This is a matter that could be controlled by condition, were the appeal to succeed. I am satisfied, in this regard, that such an amendment can be considered as *de minimis* and would not have any wider implications for the interests of others. I shall proceed on that basis.
6. Among other things, the Council draws attention to the provisions of part (e) of policy Q11 of the Lambeth Local Plan (2015) (LP). However, that relates to infill extensions, defined as infilling the space alongside existing rear returns. However, the submitted plans indicate that the 'infill' element was part of the ground floor as existing prior to the unauthorised extension referred to above (Plan Nos 483-A3-001A and 483-A3-002A). In other words, it does not form part of the extension proposed, the extent of which is clearly annotated on Plan No 483-A3-100B. I am not persuaded therefore, that part (e) of the policy is necessarily relevant to the scheme before me for consideration.
7. Part (b) of the policy, to which my attention is also drawn, requires that extensions should be subordinate, particularly in relation to heritage assets. I am also mindful of the guidance in the Council's Building Alterations and Extensions Supplementary Planning Document of September 2015 (SPD). Among other things, it recognises that rear extensions are potentially acceptable, so long as subordination can be achieved and where there is no harm to amenity. In terms of amenity, there is no suggestion of any adverse impact on the living conditions of nearby occupiers.
8. Although my colleague found that the existing extension, which covers the entirety of the rear yard area is not subordinate, the scheme before me is of reduced depth, with windows that are shown as having a vertical emphasis. Having regard to the proportions of the host building and remaining traditional design features, I am satisfied that the extension the subject of this appeal can be considered as subordinate to the host building.
9. Whilst paragraph 3.7 of the SPD suggests that an extension such as the proposed would not generally be acceptable on a terraced building within a Conservation Area, paragraph 1.8 of the guidance confirms that the advice therein is not applicable in every case. In this particular instance, I have found that the extension would comprise a subordinate addition. Moreover, the construction of a full height brick boundary wall across the rear, combined with the set-back proposed, would be sufficient in my view to ensure that the extension would not be seen from any public vantage point, including the adjacent Mews. All in all, I am satisfied that the development proposed can be distinguished from the larger extension the subject of the previous appeal and I have considered it on its own merits. I find no harm in this regard, to the character and appearance, or the heritage significance of the Conservation Area. There would be no conflict, therefore, with policies Q5, Q11 and Q22 of the LP, which together and among other things seek to protect such interests.

Conclusion

10. For the reasons set out above, I conclude that the appeal should succeed. In terms of conditions, it is necessary to list the plans to which the permission relates, as this provides certainty. It is also necessary to ensure that the materials match those of the host property in the interest of visual amenity. For the same reason, having regard to the location of the site within a Conservation Area, revised details for the rear boundary wall are also required, as referred to above.

Katie McDonald

INSPECTOR

Schedule of conditions

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- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) With the exception of the rear boundary wall, the development hereby permitted shall be carried out in accordance with the details shown on the following submitted plans: 483-A3-1000, 2016.483-A3-001A, 483-A3-002A, 483-A3-100B and 483-A3-101B.
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used on the existing building.
- 4) No consent is either granted or implied for the rear boundary wall shown on the approved plans. Prior to commencement of development, full details of a new brick boundary wall, including design and materials, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.