



Appeal Decision

Site visit made on 8 August 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: 22 August 2017

Appeal Ref: APP/N5660/D/17/3173979

63 Leigham Court Road, Streatham, London SW16 2NJ

- 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 Abdul Gaffar against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/06184/FUL, dated 31 October 2016, was refused by notice dated 26 January 2017.
 - The development proposed is the construction of a single storey outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of a single storey outbuilding situated at the end of the rear garden (retrospective application) at 63 Leigham Court Road, Streatham, London SW16 2NJ in accordance with the terms of the application, Ref 16/06184/FUL, dated 31 October 2016, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: CAD\GAF\01 - Block Plan and OS map; CAD\GAF\01-A - Existing and proposed block plan; CAD\GAF\02- Existing site plan; CAD\GAF\03 - Existing elevational drawings; CAD\GAF\04 - Proposed site plan; CAD\GAF\05 - Proposed ground floor plan; CAD\GAF\06 - Proposed elevational drawings.

Procedural Matters

2. The development has been constructed and consequently the Council dealt with the application as being retrospective. I have no evidence to suggest that the construction work has been otherwise undertaken than in accordance with the submitted plans. I have therefore determined this appeal on the basis of the plans considered by the Council.
3. The Council changed the description of application Ref 16/06184/FUL from that contained on the application form to 'retention of a single storey outbuilding situated at the end of the rear garden (retrospective application).' Given the retrospective nature of the application, this is a more accurate description of the development which I have therefore used in the determination of this appeal.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

5. The appeal site comprises the rear garden of a large semi-detached dwelling located in a small row of dwellings of similar scale which have relatively long rear gardens. Several of the properties in the vicinity have substantial blockwork constructed outbuildings at the end of the rear gardens.
6. The development comprises a flat roof, white painted rendered outbuilding that has been constructed at the end of the garden and occupies the full width of the plot. The Council indicates that the structure is approximately 9m wide, 8m deep and 3.10m high. The side elevation adjoins the property boundary with No 61 Leighham Court Road, which also has a blockwork outbuilding of similar height and also extending the full width of the plot. A substantial and high rear wall forms the boundary between properties on this row of semi-detached dwellings on Leighham Court Road with properties on Adare Walk. The outbuilding does not project above the height of this wall.
7. The outbuilding has fenestration that matches that of the rear single storey extension at the host property. This extension and the rear boundary wall, between the host property and No 61, are also rendered and painted white. The wall contains granite tiled pillars and plinth that match the plinth of the appeal building. Consequently, the outbuilding, wall and rear extension of the host property have a considerable degree of synergy in their visual appearance and are constructed of a similar palette of materials and fenestration.
8. Whilst the outbuilding has a large footprint, the substantial length of the garden, along with the significant length of the adjacent rear gardens on this part of Leighham Court Road, means that an ancillary building of this scale can be absorbed into its surroundings without resulting in a cramped, overly dominant or overdeveloped appearance. The design of the building, materials and fenestration is entirely consistent with that of the host property and its boundary features. As such, it does not appear incongruous and instead forms a subordinate feature that harmonises with the architectural style of the host property.
9. The property retains an adequate amount of useable rear garden. I have found that the development is not cramped or dominant in the context of the rear garden of the host property alone. However, at my site visit the appellant indicated that the adjacent property at No 65 is in the same family ownership. There are no boundary features between the appeal property and No 65. Consequently the combined rear garden of these properties is open and spacious. Therefore, in the context of the combined rear gardens of Nos 63 and 65, the outbuilding is even less of a noticeable feature in terms of its scale, mass and footprint.
10. Although the outbuilding has a slightly greater depth than that at No 61, in visual terms it is not significantly different in position or appearance. I have taken into account the requirements of Policy Q14(iii) of the Lambeth Local Plan 92015) which requires that development in rear gardens is set back at least 1m from all site boundaries to allow for access for the maintenance of boundary

enclosures, the maintenance of the garden structure and to provide gaps between buildings. The outbuilding does not comply with the requirements of this policy but neither does the outbuilding at No 61 or several others in the locality. However, given the locational and design factors in this case, I consider that the outbuilding constitutes a circumstance where its siting adjacent to the property boundary would be acceptable and would be consistent with the character and appearance of other development in the surrounding area.

11. The outbuilding is not visible in the street scene. Although it is visible from the rear of nearby properties on Leigham Court Road, its appearance is in the context of the character of the other outbuildings that already exist at several other properties and a very large area of rear garden that would remain undeveloped. Its limited height, below that of the rear wall with Adare Walk, prevents it from becoming a dominant feature in the immediate vicinity.
12. Taking the above factors into account, the development does not cause significant harm to the character and appearance of the surrounding area. As such, there is no conflict with Policies Q2, Q5 and Q14 of the Lambeth Local Plan (2015). These policies, amongst other things, require that development should respond to local character in terms of urban grain and built form, and should not compromise visual amenity from adjoining sites and from the public realm. In addition, development in rear gardens should be single storey and subordinate and should ensure that a significant portion of the rear garden is retained.

Conditions

13. As the development has been completed, the conditions suggested by the Council regarding the date for the commencement of the development and materials to be used are unnecessary.
14. However, in the interests of certainty, I have imposed a condition regarding the relevant plans that were considered in the determination of this appeal.

Conclusion

15. 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 allowed.

Stephen Normington

INSPECTOR