
Appeal Decision

Site visit made on 26 July 2017

by D A Hainsworth LL.B(Hons) FRSA Solicitor

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

Decision date: 23 August 2017

Appeal Ref: APP/N5660/C/16/3162786
36 Lamberhurst Road, London SE27 0SE

- The appeal is made by Andrew Kilty under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: 15/00119/3COU) issued by the Council of the London borough of Lambeth on 30 September 2016.
 - The breach of planning control alleged in the notice is "erection of timber framed, corrugated roofed canopy over an existing driveway ("the unauthorised car-port")".
 - The requirements of the notice are as follows: -
 - "a) Remove the unauthorised car-port from the premises
 - b) Remove all associated waste and debris from the premises resulting from compliance with above steps."
 - The period for compliance with these requirements is six weeks.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g).
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to be made by section 177(5) of the Town and Country Planning Act 1990 for the erection of a timber-framed, corrugated-roofed canopy (a carport) over part of the existing driveway at 36 Lamberhurst Road, London SE27 0SE, subject to the following condition: -

If within one month of the date of this decision a scheme for the provision of a fascia board along the edge of the roof of the carport that faces Lamberhurst Road has not been submitted in writing to the local planning authority for their written approval or if the approved scheme has not been carried out as approved within three months of the local planning authority's written approval, the carport shall be removed permanently. The scheme carried out as approved shall be retained.

Reasons for the decision

Ground (a)

2. I note that the Council are concerned about the appearance of household items that are being stored under the carport in addition to a car, but the extent to which this has occurred does not exceed normal domestic use. The main issue in deciding whether planning permission should be granted concerns the effect of the carport itself on the appearance of the house and the street scene.
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3. Policies Q2, Q8 and Q11 of the Lambeth Local Plan are referred to in the reasons for issuing the notice. These policies seek to apply detailed controls over development in general. As far as this appeal is concerned, they indicate that the carport should be a subordinate structure that does not unacceptably compromise visual amenity.
4. 36 Lamberhurst Road is a two-storey house with a first-floor side extension. The carport fills part of the gap at ground-floor level between the side wall of the house and the side wall of 34 Lamberhurst Road. The front of the carport is slightly to the rear of the front of the house, which is set back from the roadside by the front garden. It is well to the rear of the front of No 34, which extends further forward than No 36. No 34 is a considerably higher property than No 36. Its side wall dominates No 36 and is a very obvious feature in the street scene.
5. As a consequence, the carport appears as a subordinate structure that does not look significantly out of keeping with the house or feature prominently in the street scene. The only significant view of it is from the roadside next to the driveway and the front garden. From here it looks unfinished, because it does not have a fascia board along the edge of the roof that faces the road. If it had a suitable fascia board it would in my opinion look acceptable.
6. Accordingly, I have decided to grant planning permission for the carport subject to a condition that an approved fascia board must be added to it. The appeal has therefore succeeded on ground (a). I have taken into account the Council's wish to avoid a precedent being created for similar structures in the area, but the considerations that have given rise to my conclusions do not appear to arise at other properties.

Grounds (f) and (g)

7. The enforcement notice has been quashed as a result of the success of the appeal on ground (a). Grounds (f) and (g) no longer fall to be considered.

D.A.Hainsworth

INSPECTOR