

Appeal Decision

Site visit made on 15 August 2017

by F Rafiq BSc (Hons), MCD, MRTPI

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

Decision date: 30th August 2017

Appeal Ref: APP/N5660/D/17/3177784
73 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 Sarah Harman against the decision of The Council of the London Borough of Lambeth.
 - The application Ref 17/01400/FUL dated 21 March 2017 was refused by notice dated 22 May 2017.
 - The development proposed is a side return extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue is the effect of the proposal on the character and appearance of the host property and whether it would preserve or enhance the character and appearance of the Conservation Area.

Reasons

3. The definition for heritage assets, as set out in the National Planning Policy Framework (Framework), includes buildings, sites and places as having a degree of significance meriting consideration in planning decisions, because of their heritage interest. Heritage assets include designated heritage assets and non-designated heritage assets identified by the local planning authority. The appellant, whilst acknowledging the location of the site within the Brixton Water Lane Conservation Area (Conservation Area), states that the building at the appeal site is not a designated heritage asset. The appeal building is not listed, but it is situated within a Conservation Area which is confirmed by Annex 2 of the Framework as a designated heritage asset. The appeal property, a historic building within the Conservation Area, although not included on a local list, is a non-designated heritage asset.
 4. The Framework (paragraph 132) states that when considering the impact of a proposal on the significance of a designated heritage asset great weight should be given to the asset's conservation. The effect of an application on the significance of a non-designated heritage asset should be taken into account and a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 135).
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5. Brixton Water Lane Conservation Area comprises of early 19th century villas and a large public house on the corner of Brixton Water Lane and Effra Road (A204). There are range of different properties with varying styles along Brixton Water Lane. However, the character of the area is defined by, amongst other factors, similar pairs or other groups of properties situated adjacent to each. The appeal property, one of a pair of semi-detached dwellings that form a group of similar dwellings, is consistent with this prevailing character and add to the coherence of the area.
6. The proposal consists of a single storey extension to the rear of the property. This would infill an area to the side of the existing two and single storey wing and be situated broadly in line with it, but with a small set back from the existing single storey rear element of the appeal dwelling. I note the proposal has been designed with a lightweight appearance incorporating large glazed elements to enable existing features on the dwelling to be legible. This form and the variation in the roof pitch of the proposal would undoubtedly provide some contrast between the proposed extension and the existing dwelling. However, with a projection of around 7m, the proposal would be a substantial wing addition to the property.
7. There appears to be some difference between the Council and the appellant on whether the existing single storey rear element is part of the original dwelling. Whilst I have limited information before me on its status, the adjoining property does have a broadly symmetrical appearance, including a single storey part to the rear of the two-storey wing.
8. Irrespective of whether the single storey element is original or not, I consider the proposal, given its length along almost the full length of the single/two storey rear projection, would visually dominate the host dwelling. I do not consider the small set back that it would employ, or its single storey form would be sufficient to maintain a visual distinction between this addition and the existing elements of the dwelling.
9. The appellant states that the rear returns in this part of Brixton Water Lane are not uniform in their form or appearance and contain a variety of roof forms and single storey elements that project from the two storey sections. From my site observations, I was able to see that the appeal and adjoining neighbouring dwelling at the rear, whilst not being identical, have a simple, symmetrical appearance that make a positive contribution to the uniform and coherent of the Conservation Area. Although the street front elevation of the host property would not be affected, the proposal would, for the aforementioned reasons, undermine the existing built form and have an adverse effect on the Conservation Area.
10. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the host property and would fail to preserve the character and appearance of the Conservation Area. Whilst the proposal gains support from certain elements of the development plan, it would overall conflict with Policies Q5, Q11 and Q22 of the Lambeth Local Plan. These seek, amongst other matters, development that responds to positive aspects of the local context and historic character and to ensure that development does not unacceptably dominate or overwhelm the host building. It would also be contrary to the Building Alterations & Extensions Supplementary Planning

Document and the Framework, which seek, high quality design and for great weight to be given to an asset's conservation.

11. In relation to designated heritage assets, paragraph 134 of the Framework indicates that where there would be harm that is less than substantial, as in this case, it must be weighed against the public benefits of the proposals. The proposal would create a modern and improved living space and improve the thermal performance of the existing dwelling. Whilst I recognise these benefits, I do not consider that they would outweigh the harm I have identified to the Conservation Area.

Other Matters

12. I have taken into account the representations in relation to effect of the proposal on the living conditions of neighbouring property's occupants and on a nearby tree. The Council have however not raised any concerns in these respects and I have no reason to disagree. The proposal would also retain sufficient garden space. These are however all neutral considerations and are not matters, which weigh in favour of the proposal.
13. I have had regard to all other matters raised but none lead me to a different conclusion.

Conclusion

14. For the reasons given above and having taken into account all other matters raised, including those in support of the development, I conclude the appeal should be dismissed.

F Rafiq

INSPECTOR