



Appeal Decision

Site visit made on 23 August 2017

by C Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 11 September 2017

Appeal Ref: APP/N5660/W/17/3175759
41-45 Acre Lane, London SW2 5TN

- 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 Jerry Knight (Lexadon Property Group) against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/03327/FUL, dated 1 June 2016, was refused by notice dated 27 April 2017.
 - The development proposed is demolition of buildings and erection of a part 2, part 4, part 5 and part 6 storey building to provide 345sqm of office space (B1 Use Class) 269sqm of retail space (A1 Use Class) 19 flats and 2 family houses together with associated cycle and waste storage and hard and soft landscaping to form communal amenity space.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is situated on the corner of Acre Lane and Baytree Road and contains disused buildings and a storage yard. While Baytree Road is mainly residential in nature, Acre Lane has a more varied appearance with a large Tesco supermarket immediately to the east of the appeal site and a builder's yard and other commercial premises to the west. On the opposite side of the road there is older style terraced housing with front gardens facing the road. Parts of the Trinity Gardens Conservation Area are visible to the east.
4. It is proposed to erect a new building on the site which would be substantially larger than the relatively modest buildings it would replace. While the building would be six storeys in height on the corner of Baytree Road and Acre Lane, it would reduce in height along the Baytree Road frontage to four storeys, further reducing to two storeys. At this point it would be at a similar height to the adjacent residential properties in the street. Therefore, although the building would clearly appear much bulkier than the existing development on the site, the reduction in height would help to reduce its visual dominance within the residential parts of the Baytree Road street scene.

5. The building would be more widely exposed in Acre Lane which is a wide, busy road that is relatively straight at this point and therefore enables the site to be seen from some distance away. Whilst the building would be five stories in height along the majority of this frontage, the fifth storey would be recessed from the edge, which would help to reduce the perception of bulk. However, the six storey element on the corner of Baytree Road would appear particularly prominent within its surroundings considering that there are no buildings of comparable height visible within this part of the street scene.
6. Given the relatively low height of the Tesco building and the open car park, the six storey element would be visible for much of Acre Lane to the east. It would also be widely exposed when approaching the site from the west where the Tesco store would form the backdrop to the site. The prominence of the building would become especially noticeable from immediately outside the site where it would tower over the adjacent Tesco building as well as nearby residential development. Its height would be extenuated by the positioning of the six storey element on the road junction where views are particularly open. Overall, the building would unacceptably dominate its surroundings to the detriment of the character and appearance of the area.
7. I recognise that there are tall buildings within other parts of Acre Lane, such as Sandhurst Court to the west and towards Brixton town centre to the east (including Ivor House) which are both subject to roof extensions. However, these parts of Acre Lane are characterised by relatively tall buildings in proximity to the street frontage, which results in a more enclosed street scene. Consequently, these buildings are less visually exposed within their immediate setting than the appeal proposal would be.
8. I am informed that the adjacent builder's yard is allocated for development in the Lambeth Local Plan 2015 (the Local Plan) and the Tesco site is identified as having potential for development in the Brixton SPD 2013. However, while I recognise that the area has potential for redevelopment in the future I have not been provided with any specific development proposals for these sites. Thus, there can be little certainty that the street scene in the vicinity of the appeal site would necessarily change in a manner that would enable the proposed building to become compatible within its setting.
9. The Council raise concerns about the design of the building as well as its size, including the fenestration, balconies and use of materials. In my view, these elements of the proposal would be acceptable given that this part of Acre Lane has a generally mixed appearance. I recognise that the site has potential for higher density development that and the proposal would help to boost local housing supply as well as providing commercial premises. However, there is little before me to indicate that the proposed design is the only viable way of achieving these regeneration objectives. I am very mindful that the officer's recommendation was to approve the development and have considered the arguments put forward in the committee report. However, I have based my decision on the evidence put forward during the course of appeal process and my own assessment of the site and surroundings.
10. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the area. There would be conflict with Policy Q7 of the Local Plan which aims to achieve appropriate standards of design and

maintain local distinctiveness. For the above reasons, and having regard to all other matters raised, the appeal should be dismissed.

C Cresswell

INSPECTOR