
Appeal Decision

Site visit made on 24 October 2017

by Rachel Walmsley BSc MSc MA MRTPI

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

Decision date: 15th November

Appeal Ref: APP/N5660/D/17/3179739
150 Clapham Manor Street, London SW4 6BX

- 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 Craig Sharp, Bernard Construction UK LLP against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 17/01521/FUL, dated 28 March 2017, was refused by notice dated 31 May 2017.
 - The development proposed is extension to No 150 Clapham Manor Street to the rear (at first floor level) and at third floor level via the creation of a new mansard roof.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The name of the applicant on the planning application form differs from that on the appeal form. The appellant has confirmed that the names refer to two individuals at the same company. On this basis I have used the name referred to on the planning application form in the header above.

Application for costs

3. An application for costs was made by Bernard Construction UK LLP against the Council of the London Borough of Lambeth. This application is the subject of a separate Decision.

Main Issues

4. These are:
 - (i) the effect of the proposal on the character and appearance of the Rectory Grove Conservation Area and local area, with particular regard to the mansard roof and lightwell proposed; and,
 - (ii) the effect of the proposal on the living conditions of neighbouring and future occupiers with particular regard to outlook, light and ventilation.

Reasons

Character and appearance

5. In relation to character and appearance, the Council raised concern for the mansard roof and lightwell proposed. On the basis of the evidence before me I find no reason to consider other aspects of the development in relation to this main issue and have therefore considered character and appearance on this basis.
6. The overall character and significance of the Rectory Grove Conservation Area (RGCA) derives largely from the linear form of mostly nineteenth century buildings that front the street. Clapham Manor Street is one such street; its unified character derives, in part, from the formal architecture and regular form of existing buildings. The Rectory Grove Conservation Area Statement¹ (RGCAS) notes the importance of parapet walls in defining this character with the east side of Clapham Manor Street being characterised by natural slate 'London' roofs concealed by parapets. Equally, the RGCAS notes the varied roofscape and the change in the conservation area's character at its southern end where the street is narrower with a more urban form reflecting its proximity to Clapham High Street.
7. The appeal site is located at the southern end of the RGCA and on the west side of Clapham Manor Street. The site is within a group of buildings that has been altered and varies in architectural style and use. Nevertheless, No 150 Clapham Manor Street is identified within the RGCAS as contributing positively to the character and appearance of the conservation area. The existing parapet wall and London roof are characteristics of the conservation area and therefore the appeal site contributes positively to the significance and character and appearance of the conservation area as a whole.
8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The National Planning Policy Framework (the Framework) 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 and that significance can be harmed or lost through development. This is reflected in the Council's policies on heritage within the Local Plan². Policies Q5, Q11 and Q22 seek development that responds positively to historic character and preserves or enhances the character or appearance of conservation areas.
9. The mansard roof proposed would result in the loss of a 'London' roof which would be harmful to the architectural and historical quality of the host building and the character of the RGCA. This would be contrary to policy Q11 of the Local Plan and the SPD³ which resists mansard roofs where harm to the host building would occur. London roofs are less prevalent on the western side of Clapham Manor Street. Together with the modest size of the appeal site, the harm identified would be less than substantial.
10. In considering the appropriateness of the mansard roof I have taken into account the evidence before me pertaining to two appeals. I agree with the

¹ Lambeth, Rectory Grove Conservation Area Statement (April 2009)

² Lambeth Local Plan, Adopted September 2015

³ Mayor of London, Housing, Supplementary Planning Guidance (March 2016) (SPG)

appellant that the differences between the development proposed and the development related to appeal ref APP/N5660/A/14/2226329 set the two developments apart which therefore does not make for fair or reasonable comparisons.

11. With regards to appeal ref APP/N5660/A/08/2073155, the decision was made before the current Local Plan and the RGCAS was adopted and therefore was made under different circumstances of planning policy to the current appeal. Whilst the change in planning policy may have evolved to be more flexible towards the principle of mansard roofs, a development must be assessed against the relevant policies available at the time of the decision. The RGCAS which has since been adopted, together with policy Q11 of the Local Plan and the SPD are explicit in their references to the appropriateness of mansard roofs and it is in this context that I am required to make my decision. The appeal decisions are therefore materially different and carry little weight in favour of the development proposed.
12. The roof would be partially screened from local views by the parapet wall. Its form and scale would complement that of the mansard roof evident next door (at No 146-148 Clapham Manor Street) and would be subservient in form and scale to the host property. I do not concur with the Council, therefore, that the development would be overly dominant or visually incongruous to be visually harmful to the street scene or harmful to the visual qualities of the RGCA. Nevertheless, as acknowledged within the RGCAS, because the roof is not visible it does not mean that it is not important.
13. Whilst not referred to in the RGCAS, it was apparent from my site visit that lightwells are a feature of Clapham Manor Street, mostly outside residential properties. Given the presence of lightwells in the street and the residential use proposed, the lightwell would not be an uncharacteristic feature of the street scene that could be considered incongruous or unduly harmful on the character and appearance of the street scene or conservation area. The lightwell would, therefore, leave the character and appearance of the conservation area unharmed, that is to say preserved.
14. The lack of harm for the lightwell proposed, however, does not overcome the harm found as a result of the mansard roof proposed. The Framework advises, at paragraph 134, that where less than substantial harm is found, this should be weighed against the public benefits of the proposal.
15. In accordance with the statutory duty and paragraph 132 of the Framework, I attach considerable importance and weight to the harm that would be caused to the conservation area. Balanced against this, the proposed development would provide residential accommodation to help meet local housing need. However, being a development for one dwelling, this benefit is of limited weight in favour of the development.
16. When taking all these matters into account I conclude that the public benefit of the proposal does not outweigh the harm that would be caused to the character and appearance of the conservation area. In accordance with the clear expectations of the Planning (Listed Building and Conservation Areas) Act 1990 and paragraph 132 of the Framework which requires that great weight should be given to the conservation of designated heritage assets, I find that the proposal would fail to preserve and enhance the character and appearance of

the conservation area and therefore would be contrary to policies Q5, Q11 and Q22 of the Local Plan, the SPD and the Framework.

Living conditions

17. To the rear of the appeal site, planning permission has been granted, by appeal, for residential properties at No 16-22 Prescott Place. It was apparent from my site visit that their construction was well underway. I have details before me of the approved drawings and it is on the basis of these drawings and what I saw on site that I have considered the development proposed in relation to living conditions.
18. Whilst a basement exists at the appeal site, this is not a *fait a compli* for its subsequent use being acceptable. The conversion of the basement to a cinema room, utility and WC is a constituent part of the development proposed. Given the size of the basement rooms and their use, outlook is as important to these spaces as for other living spaces within the property. I recognise that the occupation of a utility or cinema room is not the same as a living room where views to the outside are important for the well-being of its occupants. However, the cinema room in particular is a place where occupiers are likely to dwell for reasonable periods of time. The absence of any windows would create gloomy spaces resembling a poor quality living environment. The basement rooms are likely to be frequented regularly and given the poor living conditions identified, the proposal would have a material effect on occupier's standard of living. Policy H5 of the Local Plan seeks development that provides dual-aspect accommodation, unless exceptional circumstances are demonstrated. Whilst there would be rooms within the development that are dual aspect, the basement accommodation would not be. Without any demonstration of exceptional circumstances to consider the utility, WC and cinema room an exception to policy, the development would be contrary to policy H5, the SPG and the SPD⁴ which seek development that offers a favourable outlook.
19. The Council raises concern for the quality of the living accommodation proposed at ground floor, with particular regard to outlook, light and natural ventilation. With regards to outlook, the Council references the living room. This space would be sizeable and given the size of the property overall, is likely to be well used. Views from this space would be limited to a corner of the room and overlooking a small and enclosed courtyard. Whilst the courtyard provides some amenity space, the restricted outlook identified would create a sense of enclosure which in turn would create poor quality living conditions for future occupiers. This would be contrary to policy Q2 of the Local Plan which seeks development that provides adequate outlook.
20. The Council provides no explanation of its concerns regarding levels of light and natural ventilation at ground floor level I do not have any evidence before me that substantiates such claims. A rooflight over the living area would be the main source of light into the room, together with some borrowed light from the adjoining courtyard. In the absence of any evidence to suggest otherwise, I consider that the levels of light into the living room from these two sources would be sufficient to avoid the room being dark and gloomy during daylight hours.

⁴ Lambeth, Building Alterations and Extensions (September 2015)

21. The absence of windows to the living area would limit opportunities to ventilate the room naturally. However, the door to the adjoining courtyard would help circulate air, as would a rooflight if openable. The drawings do not show whether the latter would be the case, however, if I was to find that the development would be reasonable in all other respects, an openable rooflight could be secured by planning condition. In all, therefore, I do not find that the development would be harmful to the living conditions of future occupiers with regards to light and natural ventilation.
22. Opposite the first floor rear extension proposed is a bedroom relating to the development at No 16-22 Prescott Place. Given the height of the bedroom window above eye level, outlook from No 16-22 would be restricted. Consequently the first floor rear extension proposed would not have a discernible effect on the neighbouring occupier's outlook to be considered harmful to their living conditions.
23. The appellant suggests that the development would exceed National Space Standards and make a number of positive improvements to the quality of the internal living accommodation. In the absence of any objections to space standards and any specific or substantive evidence to suggest otherwise, I find no reason to disagree with these assertions. However, this does not overcome the harm found relating to outlook.
24. In all, therefore, I have found a lack of harm to the living conditions of the neighbouring occupiers with regards to outlook. I have also found a lack of harm with regards to light and natural ventilation in relation to the living conditions of future occupiers. However, the harm found to the living conditions of future occupiers with regards to outlook is not outweighed by these benefits. Consequently the harm identified conflicts with policies H5 and Q2 of the Local Plan and the SPG and SPD as indicated.

Conclusion

25. The development would not have a harmful effect on the character and appearance of the local area, on the living conditions of the neighbouring occupiers with regard to outlook or on future occupiers with regards to light and natural ventilation. Nonetheless, these factors are outweighed by the harm found to the character and appearance of the RGCA and to the living conditions of future occupiers with regards to outlook. These factors are decisive, particularly within the context of the statutory requirements of the Planning (Listed Building and Conservation Areas) Act 1990 and the Framework which demand that considerable importance and weight is given to the harm that would be caused to a conservation area.
26. In conclusion, I find that the proposed development would be contrary to the development plan. Thus, for the reasons given, and taking all other matters into consideration, I conclude that the appeal is dismissed.

R Walmsley

INSPECTOR