



Appeal Decision

Site visit made on 25 June 2019

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2019

Appeal Ref: APP/N5660/W/19/3225850

Sw4 Lounge, 82-84 Clapham Park Road, London SW4 7BX

- 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 H Viridi against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 18/05301/FUL, dated 15 November 2018, was refused by notice dated 14 March 2019.
 - The development proposed is for the retention of covered front terrace area serving SW4 lounge.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The extension has already been erected. I will consider the appeal on this basis.
3. The address on the application form is incomplete. As such, I have taken the full address from the appeal form.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the host building and the urban block and grain of the area, and
 - the effect of the proposed extension on the living conditions of neighbours, with respect to noise disturbance.

Reasons

Character and appearance

5. The appeal site is within a four-storey block in a mixed-use parade. In footprint, the block is slightly mis-aligned with the highway creating a series of steps in the façade. The block is brick built, with a flat roof. It includes commercial units at ground floor. The footway in front of the block is generally wide and open. The building is unassuming and uniform and makes a neutral contribution to the character and appearance of the street.
6. The single storey extension, the subject of this appeal, is adjacent to one of the steps in the façade. It projects forward of the main frontage and is beyond the

building line to a substantial amount. Its sides and front consist of aluminium black frames and it includes a retractable poly carbon roof.

7. The extension introduces discordant materials to the host building. The extension is fully glazed, and this is especially incoherent in contrast to the main building. It is a form that does not gain inspiration from the main block. It appears to have been grafted onto the structure with limited regard to its architectural context. The appellant states that the extension intentionally contrasts with the existing building. I concur, in some circumstances variety in design can enhance a building. However, in this case the proposal is not high quality and fails to make a positive contribution to the building or wider street. The extension is an incongruous addition that is unsympathetic to the form and materials of the main building. The harmful effect is compounded by its prominent location and proximity to the highway. It is not a subordinate addition due to its prominence. Consequently, the proposal would be harmful to the character and appearance of the host building, the urban block and the grain of the area.
8. The adjacent footway, to the side of the proposal, is relatively wide and provides circulation space, cycle storage and space for various street furniture. This area is however, rather desolate and unappealing. Furthermore, whilst slightly constrained, the space around the parking meter has not become overtly congested due to the extension. Also, access to the nearby laundrette would not be substantially affected. Therefore, the loss of the open frontage, and reduction in width of the footway, is not in itself harmful to the character and appearance of the building or wider area. However, the harm to the host building and the character and appearance of the area is significant due to the scale and form of the extension.
9. Subsequently, the proposal would not accord with policies Q5, Q6 and Q11 of the Lambeth Local Plan 2015 (LP), which seeks amongst other things for new development to reinforce local distinctiveness, reinforce or maintain the established building line and positively respond to the original architecture. However, the proposal would comply with policy ED7 of the LP, in so much as it would allow for an adequate width of footway and not obstruct pedestrian flow.

Living conditions

10. The block includes three floors of residential accommodation above the appeal site and these include forward facing windows. The site is adjacent to a main road and within a partially commercial setting, creating a relatively high ambient daytime noise. However, with no evidence to the contrary, noise levels would be likely to fall in the evening and night-time. This would emphasise evening noise levels generated by the appeal site. The extension would be used for customer seating in connection with the use of the adjacent bar within the ground floor. The proposal includes a retractable canopy, providing weather protection and would be used partly as an area for smoking. It therefore seems likely that the canopy would be open or partially open when the weather permits.
11. The canvas roof would have limited acoustic properties. Therefore, when closed it would only marginally suppress the noise level. Consequently, a condition to regulate when the canopy was open or closed would not necessarily be a determining factor as to when the outside space would be in use or mitigate noise impact. Prior to the extension being built the frontage area was used in a

similar manner with customers sitting under umbrellas. Although noise levels may not have significantly increased since then, the proposal would nevertheless increase the usefulness of the space. The enclosed sides and roof would increase its weather protection, and this would encourage its use throughout the year. Therefore, the duration and occasions of heightened noise levels would be likely to substantially increase in comparison to when customers sat under umbrellas.

12. The issued street licence¹ would not have assessed impact on residential amenity in planning terms. Although, the licence requires the extension to cease use at midnight, it is not in evidence whether hours of use of the premises itself are regulated, although the Council suggests it may be open until 1am. Therefore, a condition restricting the extension's use to midnight may be problematic. It would be impractical to corral customers away from the extension in the late evening who may choose to stand outside instead. On this basis, it is unconvincing that the extension could be properly or sufficiently regulated with a condition regarding hours of use. In any event, such a condition would not prevent the identified noise disturbance. For the above reasons, the proposal would be significantly harmful to the living conditions of occupiers of nearby dwellings with respect to noise disturbance.
13. The proposal would be contrary to policy Q2 of the LP, which seeks to support development whose adverse noise impact can be adequately reduced through mitigation. Furthermore, the proposal would be contrary to policy ED7 in so much as it seeks outdoor areas to not cause unacceptable harm to the amenity of adjoining residential properties.

Other matters

14. Previous anti-social issues in relation to the stated damage to the outside seating area would only be a private gain. Furthermore, it is not in evidence that the proposal is the only available preventative measure. In any event, the benefit of providing the space as a community hub and the suggested reduction in damage to property would only represent a limited benefit in favour of the appeal.

Conclusion

15. For the above reasons the appeal is dismissed.

Ben Plenty

INSPECTOR

¹ Public Highway Licence: 16/00099/TCLIC-pt2