
Appeal Decision

Site visit made on 7 November 2019

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2019

Appeal Ref: APP/N5660/D/19/3233712

31 Fentiman Road, London SW8 1LD

- 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 David Martin Smith against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/00616/FUL, dated 14 February 2019, was refused by notice dated 30 April 2019.
 - The development proposed is the installation of safety railings at rear of drive to prevent falling to entrance area at lower ground floor level, and in compliance with statutory health & safety requirements. All metalwork and finishes in matching detail to main balustrade and handrail up flight of front entrance steps to property. It is noted that other properties along Fentiman Road have similar balustrade arrangements.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The development has already been undertaken and therefore I have determined this appeal on that basis.
3. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the Conservation Area (CA).

Reasons

5. The appeal site is located within the St Marks Conservation Area and forms part of an extensive terrace of dwellings. This pattern of development is mirrored on the opposite side of Fentiman Road and collectively the scale of the buildings creates a strong visual character. The presence of original design features to the frontages of the properties further enhances the grandeur of the location. Together, these factors give the area a distinct character and appearance which contributes to the significance of the CA.
6. The commonality in the scale of the dwellings and their design features is an important component of the character and appearance of the area. At road

level the dwellings on the same side of Fentiman Road generally have frontage parking areas and an absence of boundary treatments in the areas adjacent to the street. Although set back from the front boundary and partially obscured when a vehicle is parked on the drive, the development is nonetheless prominent within the street scene. Balustrades and railings are consistent features alongside the main entrance stairs of the dwellings, however there are very few examples of such features in the same positioning as the development subject to this appeal.

7. As a result, the appeal development is uncharacteristic of the surrounding area and appears at odds with the prevailing arrangement of balustrades and railings at street level. This has caused harm to the character and appearance of the CA. I have had regard to the information provided by the appellant and observed the examples quoted during my site visit, however I noted only very limited directly comparable development. Therefore, such development does not form part of the general character of the area and its presence does not outweigh the harm that has arisen as a result of the appeal development.
8. As I have found harm to character and appearance, it follows that the development has neither preserved or enhanced the CA. Given the nature of the development and that the harm is localised, I consider that less than substantial harm to the CA has arisen. As the development has resulted in less than substantial harm, it is necessary to weigh the public benefits of the proposal against the harm that has arisen to the CA, in accordance with Paragraph 196 of the National Planning Policy Framework (The Framework).
9. In this respect the appellant has stated that the gate and railings are necessary to satisfy health and safety requirements. However, no specific details have been provided about the requirements in question. Furthermore, I have no substantive evidence before me that demonstrates that the difference in levels between the drive and basement reasonably justifies the provision of a physical barrier. The fact that many other dwellings on Fentiman Road have similar differences in levels but have no such barriers further suggests that there is limited justification for a barrier in this location. Accordingly, I give the public benefits outlined by the appellant only limited weight, and they do not outweigh the harm that has arisen to the character and appearance of the CA.
10. I conclude therefore that the development has caused harm to the character and appearance of the CA. Consequently, the development conflicts with the design objectives of Policies Q5, Q11, Q15 and Q22 of the Lambeth Local Plan 2015, which seek to protect character and appearance. I have also identified conflict with The Framework, because the harm to the CA is not outweighed by public benefits.

Conclusion

11. For the reasons given above, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR