



Appeal Decision

Site visit made on 9 December 2019 by C Brennan BAE (Hons) M.PLAN

Decision by Kenneth Stone BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: **21 January 2020**

Appeal Ref: APP/N5660/D/19/3238488

73 North Street, Clapham, London SW4 0HQ

- 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 Stephen Lilly against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/00837/FUL, dated 30 March 2019, was refused by notice dated 5 July 2019.
 - The development was originally described as "the taking down & rebuilding in the same position the existing rear wall to allow for the installation of 1 no set of sliding/folding doors together with the construction of a single storey side infill extension of 15m² floor area".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Council considered the application retrospectively and, from my site visit, it is clear that a side infill extension has been built. However, there is a balcony at first floor level that is not shown within the submitted plans. I have based my assessment on the development as shown on the submitted plans.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the site, surrounding area and Clapham Conservation Area.

Reasons for the Recommendation

5. The appeal site comprises a two-storey, mid-terrace dwellinghouse on the western side of North Street. The appeal property forms part of the terrace of Nos. 67-77, which is characterised by London roofs and two-storey rear outriggers. The site lies within the Clapham Conservation Area, whose significance is largely derived from the merit of its mid-19th century architecture and the historic layout of its terraced dwellinghouses.
 6. The appeal property features a two-storey rear outrigger which had already been extended to the rear at ground floor level. Nos. 71 and 69, to the south,
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have flat-roofed extensions which wrap around their outriggers, with the side infill elements set well back from the rearmost walls. However, unlike Nos. 71 and 69, the side infill element at the appeal property has a much greater depth and is flush with the rear wall of the single-storey rear extension. Furthermore, the side infill incorporates a monopitch roof which runs along its full depth, past the rear wall of the two-storey outrigger by almost 3m according to the plans. In combination with the rear extension, the side infill element detracts from the proportions of the two-storey outrigger due to its excessive height and depth and thereby undermines a prominent, characteristic feature of the appeal property and the adjoining terrace. The overly dominant scale of the development appears as an incongruent and insubordinate addition to the host building, and therefore causes unacceptable harm to the character and appearance of the site, the architectural integrity of the terrace, and the special interest of the Clapham Conservation Area. Whilst a large proportion of the development may be hidden, clear views of the development would be possible from views to the rear from surrounding properties.

7. Whilst the appeal property is not statutorily listed, it forms part of a cohesive and distinctive terrace and clearly contributes positively to the character, appearance and special interest of the Conservation Area. As the development harms the character and appearance of the appeal property and terrace, it therefore harms the significance of the Conservation Area for the reasons set out above. As clearly stated within the caption associated with Figure 5 of the SPD this applies to all buildings in conservation areas and so is applicable in this case. That is not undermined by the appellant's reference to the fact the building is not statutorily listed.
8. The 2002 report on the extension of the Clapham Conservation Area makes clear that development on North Street is remarkably complete and unspoilt. As I have found the development undermines the architectural integrity of the appeal property and adjoining terrace, it is clear that unacceptable harm is thereby caused to the Conservation Area as per the reasons stated above. This is consistent with reports references to these properties' contribution to the public realm.
9. While the use of reclaimed materials is positive, the form of the development is unacceptable for reasons set out above.
10. Although not built as a wrap around extension, the side infill extension clearly attaches to an existing rear extension, which together form a wraparound extension. Furthermore, regardless of the extent of the additional floor area, including in proportionate terms, it is the form of the development which is unacceptable as set out above.
11. For the above reasons, I conclude that the proposed development would cause unacceptable harm to the character and appearance of the site, surrounding area and Clapham Conservation Area, which would not be preserved. The proposed development would therefore conflict with Policies Q5, Q11 and Q22 of the Lambeth Local Plan (2015) and the Building Alterations & Extensions SPD (2015), which broadly require that proposals for extensions should preserve local distinctiveness, respond positively to the form of the original architecture and reinforce the character of conservation areas.

12. The harm to the significance of the Clapham Conservation Area would be less than substantial. However, there would be no public benefits that would outweigh the harm I have identified.

Other Matters

13. The appellant provides much detail about the circumstances of the application and previous correspondence they have had with officers. While these circumstances are acknowledged, they do not provide any basis for justifying the development which must be determined on its planning merits.
14. In their personal statement, the appellant states that the design of the development had been mostly completed by the end of 2012 before they knew that the Conservation Area had been extended and that they no longer had permitted development rights. However, this does not provide justification given the harm identified above.
15. The appellant states that neighbouring occupants had no objections to their scheme. Regardless, this does not justify the development as it would clearly cause unacceptable harm as reasoned above.
16. The appellant refers to similar cases of development at 60 and 70 North Street. The details of these cases are not before me to consider. In any case, each appeal must be considered on its merits.

Conclusion and Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Kenneth Stone

INSPECTOR