



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/19/3239914

29 Elder Road, London SE27 9LY

- 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 Mrs Nazmin Hoque against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/01707/FUL, dated 13 May 2019, was refused by notice dated 6 August 2019.
 - The proposed development is formation of vehicular access by means of a dropped kerb and new hardstanding, together with the alterations to the existing boundary treatment.
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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 description of development on the original application form does not fully identify the acts of development to be undertaken and includes descriptive actions not related to acts of development. For clarity and precision, the description of the proposed development set out above has been taken from the decision notice.
4. The application form originally submitted with the appeal is dated 30 October 2018. An updated application form dated 13 May 2019 was provided on behalf of the appellant under e-mail dated 30 October 2019. From reading the appellant's statement, it is clear that 30 October 2018 was when a previous application, Ref 18/04633/LDCP, was submitted to the Council. The appellant states that the application relating to this appeal determination was submitted to the Council on 13 May 2019. This is verified within the wording of the Council's decision notice and Section C of the appeal form. As such, the date of the application set out above has been taken from the updated application form and decision notice in the interests of accuracy.

Main Issue

5. The main issues are:
 - i) the effect of the proposed development on the character and appearance of the site and surrounding area.
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- ii) the effect of the proposed development on on-street parking and highway safety.

Reasons for the Recommendation

Character and appearance

6. The appeal site comprises a two-storey semi-detached dwellinghouse on the eastern side of Elder Road. The appeal site forms part of a group of semi-detached pairs, Nos. 1-31, which feature front gardens with elements of soft landscaping. The road is characterised by large trees lining its eastern side. The front garden of the site is bounded by hedges and features areas of soft and hard landscaping, while No. 31 which adjoins to the south has a similar front garden and boundary treatment.
7. The proposal would replace the existing landscaping features with a forecourt comprised solely of porous paving blocks, while the hedges would be replaced by fencing. The total loss of the existing greenery would contrast poorly with the front garden of No. 31, the overall character of Nos. 1-31 and the verdant appearance of the streetscene. The proposal would therefore cause harm to the character and appearance of the site and the surrounding area.
8. The plants and bushes along the northern boundary of the front garden outside of the boundary of the appeal site would remain and provide a degree of screening for the proposed driveway. However, the proposed paved forecourt area would still be plainly visible from many angles within the street and would relate poorly to the garden of No. 31 and the overall character of Nos. 1-31.
9. Whilst there are other examples of such development within the wider street these relate to properties which do not form part of this distinctive group of properties or are differentiated for other reasons. Nos. 15 & 17 aren't directly comparable, as these sites still retain elements of soft landscaping within their front gardens whereas the proposal would result in the complete loss of such features. Furthermore, as this dropped kerb is exceptional within the group of Nos. 1-31, it does not provide a strong precedent for further development which would further undermine the cohesive appearance of the group. The other dropped kerbs at Nos. 41 and 47-57 (odds) relate to properties of a different design with more enclosed boundaries and which form part of a different distinct group of properties to the appeal property. They are therefore not a reasonable comparable precedent.
10. For the above reasons, I conclude that the proposed development would cause unacceptable harm to the character and appearance of the site and surrounding area. The proposed development would therefore conflict with Policies Q5 and Q14 of the Lambeth Local Plan (2015) and the Building Alterations & Extensions SPD (2015), which state that proposals should preserve local distinctiveness and the visual amenity value of front gardens.

On-street parking and highway safety

11. The appeal site is not located within a controlled parking zone and is located adjacent to a local distributor road. No parking stress survey has been provided which demonstrates that significant parking stress is an issue within the surrounding area, and during my site visit I observed that there were many opportunities available for on-street parking along the eastern side of Elder Road adjacent to Nos. 1-31. Due to the width of the proposed dropped kerb, it

would only result in the loss of a limited number of on street parking spaces at worst. Furthermore, as this loss would be mitigated by the provision of a new off-street parking space within the appeal site, I consider that the proposal would have not have an unacceptable effect on on-street parking.

12. I do not consider that the adjacent stretch of road is so busy that it would be unsafe for vehicles to reverse from or onto it. As vehicles would be able to safely enter or exit the road in forward gear, the proposal would be acceptable in terms of highway safety.
13. Policy Q14 of the Lambeth Local Plan (2015) states that the development of front gardens for parking spaces will only be made in exceptional circumstances. In this regard, the appellant has stated that the proposed parking space would allow them to park safely away from the street, to avoid damage to their vehicles, as well as provide a more convenient parking arrangement for one of the occupants who works as a baby foster carer. There has been no detailed evidence data of unusual or excessive accident incidents in the vicinity of the site presented. While I sympathise with the appellant's comments, I do not consider that these are exceptional circumstances, including having regard to my conclusions on safety above.
14. Paragraph 6.4 of the Building Alterations and Extensions SPD states that the minimum standards for a parking space must be 2.4m x 4.8. As the proposed parking space would meet these requirements, there would be no conflict with Policy Q14(b)(viii). Nonetheless there would be conflict with Policy Q14(b)(v), which states that such proposals should retain as much soft landscaping as possible. There would also be a broader conflict with Policy Q14, as there are no exceptional circumstances which justify the proposal.
15. For the above reasons, I conclude that the proposed development would not have an unacceptable effect on on-street parking and highway safety and would therefore comply with Policy T6 of the Lambeth Local Plan (2015), which states that proposals for applications must not result in unacceptable transport impacts on highway safety and on-street parking. However, I also conclude that the proposal would conflict with Policy Q14 of the Lambeth Local Plan (2015), which states that front gardens can only be developed to provide car parking in exceptional circumstances.

Other Matters

16. The appellant has drawn my attention to circumstances surrounding application Ref 18/04633/LDCP, where a certificate of lawfulness for a proposed development was approved on 25 January 2019. Regardless, this proposal for full planning permission must be determined against the development plan as per Section 38(6) of the Planning and Compulsory Purchase Act 2004. Considered against the development plan, the proposal would be unacceptable in planning terms for the reasons set out above.

Planning Balance, Conclusion and Recommendation

17. Although I have found that the proposed development would not be unacceptable in terms of its effect on on-street parking and highway safety, these factors are outweighed by harm that would be caused to the character and appearance of the site and surrounding area.

18. 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

19. 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