



Appeal Decision

Site visit made on 9 March 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2020

Appeal Ref: APP/N5660/W/19/3242565
25 Lancaster Avenue, London SE27 9EW

- 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 Caphall Ltd against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/00092/FUL, dated 11 January 2019, was refused by notice dated 5 July 2019.
 - The development proposed is the erection of a 2-storey flat roof infill extension to provide 2 x 1bed residential units.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed extension on the character and appearance of the Lancaster Avenue Conservation Area;
 - Whether or not the development would promote the use of sustainable modes of transport and prevent an unacceptable increase in demand for on-street car parking; and
 - Whether or not the development would accord with sustainable design standards, with particular regard to the reduction of carbon emissions.

Reasons

Character and appearance

3. The appeal site sits within the Lancaster Avenue Conservation Area (the Conservation Area). I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As heritage assets are irreplaceable, the National Planning Policy Framework (the Framework) states that they should be conserved in a manner appropriate to their significance (paragraph 184). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 194) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 196).

4. The Conservation Area is characterised by its mainly semi-detached two and three storey houses of a range of styles and sizes, principally dating from the Victorian and early Edwardian eras. The focus of the Conservation Area is the broad sweep of Lancaster Avenue itself, which combined with the generous rear gardens and areas of soft planting within many front gardens, gives the area a spacious and pleasant traditional suburban character.
5. The appeal property is a large three storey semi-detached house, now divided into three flats, which is part of a group of four pairs of similar properties dating from 1865. An external staircase provides access to the front door which is at raised ground floor level and in a side return of the building set slightly behind the main front elevation. There is presently a single storey lean-to garage between the appeal property and its neighbour at No 23, while No 23 has also at some point been extended to the site boundary across three floors. The gap at the side of the appeal property at raised ground floor level and above allows glimpses through to the mature trees in the rear gardens. Similar gaps exist between other pairs of houses along the street and although some have been partly infilled, many remain and make a valuable contribution to the spacious feel of the area.
6. The proposal is to remove the existing lean-to garage between the appeal property and No 23, and to erect in its place a two-storey extension which would provide two one bedroom flats. Its front elevation would be aligned to the main front elevation of the appeal property, and so would sit forward of the entrance porch and side return. At the rear, the extension would project a short way beyond the building line of the host property and its neighbours.
7. The effect of the proposal would be to further close the space between the appeal property and No 23. This is already somewhat constrained compared to other gaps in the street because of the previous extension to No 23, and this loss of spaciousness would be exacerbated by the proposed development. The position of the street-facing elevation in front of the recessed side return would also lead to an increased terracing effect when viewed from along Lancaster Avenue and, although this would be mitigated slightly by the retention of the gap at top floor level, it would nonetheless also be detrimental to the spacious character of the area. It would also detract from the rhythm of the group of pairs of semi-detached villas of which the appeal property is part, adding to the harm already caused by the existing three storey side extension to No 23.
8. At the rear, the projection beyond the building line would be at odds with and harmful to the consistency of the rear elevations of the appeal property and its surrounding group of buildings. The rise of the land away from the rear of the building, as well as the generally low boundary fences and hedges, means that this harm would be readily seen from the rear gardens of many of the neighbouring properties.
9. Although the fenestration and choice of materials would complement the host building and other neighbouring properties and would therefore be acceptable, this would not mitigate the other harmful factors I have identified. The development would lead to a loss of the spaciousness which is characteristic of the area, and would be at odds with the generally harmonious appearance of the surrounding area, and in particular the group of similar pairs of semi-detached villas including the appeal property. For these reasons, I conclude

that the proposed development would not preserve or enhance the character or appearance of the Conservation Area.

10. In terms of the Framework the harm to the significance of the Conservation Area as a designated heritage asset is less than substantial. The appeal site is in an accessible location, close to shops and other services, and the creation of two new flats would add to the housing supply in the borough. However, this represents only a modest public benefit, which would not outweigh the harm to the heritage asset to which I must attribute great weight.
11. The proposal therefore conflicts with Policies Q5, Q11, Q14 and Q22 of the 2015 Lambeth Local Plan (the LLP), which among other things seek to promote high quality development including extensions, reinforce local distinctiveness, and preserve or enhance the character or appearance of Conservation Areas. The proposal also conflicts with the provisions of the Framework which seek to conserve and enhance the historic environment.

Sustainable transport and car parking

12. The appeal property currently includes three apartments, and there is off-street parking in the front driveway for approximately three vehicles. It is not proposed to create any additional off-street parking space to serve the two additional residential units proposed.
13. The appeal site is not within a controlled parking zone (CPZ), and on-street car parking is allowed on Lancaster Avenue outside the property. Although the Council has indicated that it is continuing to expand CPZs within the borough, there is no evidence before me to suggest that there is a proposal to introduce such a scheme specifically to Lancaster Avenue any time soon, nor have I been provided with detailed information relating to the usage of on-street parking. However, at the time of my site visit, which was conducted during a weekday morning, there were very few safe on-street parking spaces available close to the appeal property. I would expect there to be an even greater demand for such spaces during the evenings and overnight, and I therefore consider it likely that even a small development such as that proposed would increase parking stress in the area.
14. The appeal site has a Public Transport Accessibility Level of 6a, which signifies that it has excellent public transport connectivity. There are numerous nearby bus routes serving Norwood Road to the west and Thurlow Park Road to the north east, and Tulse Hill railway station lies a short distance to the north. I therefore consider that the provisions of LLP Policy T7, which require new development to be car-free and permit-free, particularly in areas where public transport accessibility is high, and to provide residents of new development with car club membership, are engaged.
15. The need for such measures is not disputed by the appellant, and their appeal statement indicated that they agreed to enter into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure them. This would require the appellant to submit a unilateral undertaking, but no completed obligation has been provided to me.
16. In the absence of such a mechanism, I conclude that the development would not promote the use of sustainable modes of transport, and would lead to an unacceptable increase in demand for on-street car parking. The proposal

therefore fails to comply with Policies D2, D4, T1, T6 and T7 of the LLP. Together these policies seek to promote sustainable travel, avoid unacceptable cumulative impacts on on-street parking, and support the use of measures such as car clubs and parking restrictions which reduce dependence on the private car.

Sustainable design

17. Policy EN4 of the LLP sets out the requirement that all development should demonstrate how sustainable design standards are integral to its design, construction and operation. In addition, Policy 5.2 of the 2016 London Plan (TLP) states that developments should make the fullest contribution to minimising carbon dioxide emissions.
18. The appellant has submitted a Preliminary Energy Statement, which asserts that the development would be capable of meeting the requirements of these policies. However, the submitted statement contains very little in the way of detail relating to the scheme before me, and for the most part refers only in general terms to the consideration of measures such as the use of low carbon heating systems and renewable energy systems. It also refers to a future report which will demonstrate how the detailed design of the scheme will minimise energy demand and carbon dioxide emissions. However, no report or further information has been provided to demonstrate how such principles have been incorporated into the design, or how they would form part of the construction and operation of the development. To ensure that such works are properly integrated into the development, and although the appellant suggests otherwise, I consider that it is preferable that such matters are not left to be dealt with by a condition.
19. In the absence of adequate supporting information, I am not satisfied that the development would accord with sustainable design standards, with particular regard to the reduction of carbon emissions. I therefore conclude that the development would conflict with LLP Policy EN4 and TLP Policy 5.2, which require proposals to demonstrate sustainable design, construction and operation standards.

Conclusion

20. For the reasons given above the appeal is dismissed.

M Cryan

Inspector