



Appeal Decision

Site visit made on 23 June 2020 by C Brennan BAE (Hons) M.PLAN MIPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2020

Appeal Ref: APP/N5660/D/20/3244209

21 Thirlmere Road, London SW16 1QW

- 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 Ms Jemima Ward against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/01977/FUL, dated 31 May 2019, was refused by notice dated 14 October 2019.
 - The proposed development is erection of front garden wall and formation of parking bay and associated vehicular crossover.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Ms Jemima Ward against the Council of the London Borough of Lambeth. This application is the subject of a separate Decision.

Appeal Procedure

3. 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 Matter

4. The description of the proposed development as stated on the application form does not include reference to a vehicular crossover, which is an element of the proposal as shown on the submitted plans. For precision and clarity, I have therefore used the description as included on the decision notice in the banner heading above which does reference this element of the proposal.

Main Issue

5. The main issues are:
 - i) the effect of the proposed development on highway safety and on-street parking;
 - ii) the effect of the proposed development on the character and appearance of the site, the surrounding area and the Streatham Park and Garrad's Road Conservation Area.
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Reasons for the Recommendation

Highway safety and on-street parking

6. The proposed parking bay would be situated immediately adjacent to a hedge measuring around 2m in height which runs along the southern boundary of the site. The Council suggest the proposed wall would be 1m high and the piers 1.2m high, which the appellant does not dispute. As such the wall and piers would exceed the maximum height of 900mm as per Policy Q15(b)(v). This, in combination with the height of the hedge on the adjacent boundary, would mean visibility for cars exiting the parking bay would be limited. Visibility would be particularly poor if the vehicle were to leave the site in reverse gear. As the proposal would potentially endanger pedestrians and other road users, it would be unacceptable in terms of highway safety.
7. The appellant has drawn my attention to examples of off-street car parking along the street, which I observed during my site visit. However, these examples may be historic developments that predate the policies of the current development plan, and so were subject to different criteria at the time that were approved. Given this uncertainty and the fact that the details of these developments are not before me to consider, I do not conclude that they are directly comparable to and provide sufficient precedent for the proposal.
8. The appeal site is not located within a controlled parking zone, and although no parking survey has been provided, I observed during my site visit that there were opportunities available for on-street parking. Due to the limited width of the proposed dropped kerb, it would only result in the loss of one on-street parking space. Furthermore, this loss would be mitigated by the provision of a new off-street parking space within the appeal site. Taking the above factors into account, the proposal would have an acceptable effect on on-street parking.
9. Although I conclude that the proposed development would not have an unacceptable effect on on-street parking, the lack of sufficient visibility from the parking bay means the development would be harmful to highway safety. It would therefore conflict with Policy T6 of the Lambeth Local Plan (2015), which states that development proposals should not have unacceptable transport impacts. The proposal would also conflict with Policies Q14 and Q15 of the Local Plan, which state that the development of front gardens for car parking would not be permitted unless, among other things, vehicular egress is safe, and that boundaries flanking vehicle crossovers should not exceed 900mm in height in order for vehicles to maintain adequate lines of sight. The proposal would also conflict with the Residential Alterations and Extensions SPD (2015), which states that the Council will generally resist turning front gardens into car parking unless it can be demonstrated that no harm would result.
10. The proposal would conflict with Policy T7 which says that, to support sustainable travel and manage the availability of parking, development should be car free in areas where public transport accessibility is high. However as I have found the provision of one off-street parking space in lieu of the loss of one on-street parking space would not be unacceptable in parking terms, the conflict with this policy carries limited weight.

Character and Appearance

11. The appeal site comprises a three-storey property on the western side of Thirlmere Road. The southern side of the site's front garden includes a small grassy area, with some shrubbery along the boundary. I understand the original boundary wall has been removed. The site lies within the Streatham Park and Garrad's Road Conservation Area, whose significance is largely derived from the quality of its architecture and the coherence of its townscape. The draft Streatham Park and Garrad's Road Conservation Area Statement (2016) states that the loss of front boundary treatments and the development of front gardens for car parking has had a detrimental effect on the character and appearance of the Conservation Area. However, as noted above, the majority of properties along Thirlmere Road had converted their front gardens to provide off-street parking spaces. While such parking areas may not be characteristic of the Conservation Area as a whole, it is considered that they strongly form part of the established character of Thirlmere Road. Furthermore, the proposal would reintroduce a low brick wall to the front boundary that would be characteristic of front boundary treatments along the road. The proposal would therefore enhance the character and appearance of Thirlmere Road and the broader Conservation Area. As such, it is considered that the proposed development would not cause harm to the character and appearance of the site, the surrounding area or the Streatham Park and Garrad's Road Conservation Area.
12. In their delegated report, the Council raise concern regarding the lack of detail on what materials would be used as part of the proposal. However, as such detail could be secured by condition, this does not constitute sufficient reason to refuse the proposal. Furthermore, as additional soft landscaping could be secured by condition, the proposal would also be acceptable in this respect.
13. For the above reasons, I conclude that the proposed development would not cause unacceptable harm to the character and appearance of the site, surrounding area and Streatham Park and Garrad's Road Conservation Area. The proposal would therefore broadly comply with Policies Q2 and Q14 of the Lambeth Local Plan (2015), which require that development proposals should not harm visual amenity. The proposal would also comply with Policies Q15 and Q22 of the Local Plan, which respectively state that boundary treatments should be respond sympathetically to the local context and that proposals should preserve or enhance the character or appearance of conservation areas. The proposal would also broadly comply with the Residential Alterations and Extensions SPD (2015), which encourages the reinstatement of authentic front boundaries that are characteristic of the locality.
14. The reason for refusal makes reference to Policy EN6. However, as this policy relates to drainage and water management rather than design or heritage, it is not relevant to this main issue.

Planning Balance, Conclusion and Recommendation

15. Although I have found that the proposed development would not be unacceptable in terms of its effect on on-street parking and the character and appearance of the site, the surrounding area and the Streatham Park and Garrad's Road Conservation Area, these factors are outweighed by harm that would be caused in terms of highway safety.

16. 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

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

Andrew Owen

INSPECTOR