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## Appeal Decision

Site visit made on 28 January 2021

**by Elizabeth Lawrence BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 26 February 2021**

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**Appeal Ref: APP/N5660/D/20/3257823**

**38 Clapham Manor Street, London, SW4 6DZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Georges Chalfoun against the decision of the Council of the London Borough of Lambeth.
  - The application Ref; 20/01580/VOC, dated 12 May 2020, was refused by notice dated 7 July 2020.
  - The application sought planning permission for the erection of a single storey rear and side infill extension without complying with a condition attached to planning permission Ref; 19/04574/FUL, dated 7 April 2020.
  - The condition in dispute is No. 2 which states that: The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.
  - The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear and side infill extension at 38 Clapham Manor Street, London, SW4 6DZ in accordance with the application Ref; 20/01580/VOC, dated 12 May 2020, without compliance with condition number 2 previously imposed on planning permission Ref; 19/04574/FUL, dated 7 April 2020 and subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years beginning from 7 April 2020.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: CL 001 A, CL 100 D, CL 101 D, CL 102 D, CL 201 D and CL 202 D.
  - 3) The materials to be used for the external surfaces of the development hereby permitted shall match those of the existing building. All new works and works of making good to the retained fabric shall be finished to match the adjacent work with regards to the methods used and to materials, colour, texture and profile, unless the prior written approval of the local planning authority is first obtained to any variation, or except where otherwise stated on the approved drawings.

## **Main issue**

2. The main issue is the effect of the proposal on the character and appearance of the host property, the wider terrace and the character, appearance and significance of the Rectory Grove Conservation Area (RGCA).

## **Reasons**

3. The RGCA is a linear and primarily residential conservation area with predominantly 19<sup>th</sup> century buildings. The northern part of the RGCA includes a variety of dwelling types and sizes, dating from the 18<sup>th</sup> century and which are set behind typically generous sized front gardens that are enclosed by a combination of railings, walls and fences. This together with the church buildings, soft planting and trees within the front gardens contributes to the informal, spacious and verdant character and appearance of the northern part of the RGCA.
4. The southern part of the RGCA includes the properties which front onto Clapham Manor Street, which is a straight residential road. The dwellings, which date from the 19<sup>th</sup> century, primarily include a range of two and three storey terraced properties, some with semi-basements. They have a combination of London stock brick, red brick and stucco facades under butterfly or shallow pitched roofs, often hidden behind contrasting parapet walls. The dwellings have consistent front building lines and are set behind small front gardens, which are enclosed by low walls and railings. The street scene is formal and uniform, with the soft planting and occasional trees within the gardens and public house contributing to its traditional suburban appearance.
5. To the rear the dwellings fronting onto Clapham Manor Street typically have modest sized rear gardens that back onto other gardens or dwellings. Many of the terraces have rear projecting wings of varying depths and heights. This together with the soft planting within the rear gardens contributes to the enclosed and varied character and appearance of the rear garden environment.
6. The appeal property is located mid-way along Clapham Manor Street, within a short row of two storey link detached and semi-detached houses with semi-basements. The dwellings are lower than those on either side of the row and have shallow hipped roofs. To the rear they have rear projecting wings of various sizes, which have a combination of flat and pitched roofs. Their gardens back onto the rear gardens of a modern terraced housing development.
7. The rear of the appeal property is consistent with this. It has a two storey rear projecting wing with an attached single storey extension to the rear of it. Both elements of the existing projecting wing have flat roofs. Drawing No.CL101 D points out that the original rear projecting wing was deeper than the existing and that originally it was consistent with the deeper rear projections of the adjoining properties. The 2019 approval includes changes to the fenestration of the existing single storey extension and a one and a half storey infill extension alongside the existing two storey rear wing. It would have a flat roof, fully glazed rear façade and would adjoin the taller flank wall of the rear projecting wing of the adjoining dwelling.
8. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) requires that when assessing proposals for new development within a conservation area, special attention shall be paid to the desirability of

- preserving or enhancing its character or appearance. The LBCA Act likewise requires special attention to be paid to the desirability of preserving or enhancing the setting of listed buildings. Policy Q22 of the Lambeth Local Plan 2015 (LP) is consistent with this and seeks to ensure that new development respects and reinforces the established, positive features of conservation areas.
9. Section 16 of the National Planning Policy Framework 2019 (Framework) states that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. Any harm requires clear and convincing justification. Where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
  10. Together and amongst other things LP policy Q11 and Section 12 of the Framework seek to ensure that new development responds to local character and history and reflects the identity of local surroundings. The design of alterations and extensions should positively respond to the original architecture, roof form, detailing and fenestration of the host building. It should not overwhelm or dominate the host building and rear returns should generally be retained. Any infill extensions should be single storey, have a glazed lightweight appearance and be set back from the corner of the main rear return on heritage assets.
  11. The Council's Building Alterations & Extensions Supplementary Planning Document 2015 (SPD) advises that single storey infill, end and wrap around extensions are potentially acceptable, provided they are subordinate and do not harm the living conditions of the occupiers of adjacent dwellings. However, wrap around extensions can be problematic due to differing internal floor areas in dwellings with semi-basements. As such they are not considered appropriate for heritage assets. Instead, extensions should finish short of corners to better emphasise their subordination. Infill and end extensions may be acceptable provided they are both set back from the original corner of the original return.
  12. The Rectory Grove Conservation Area Statement 2009 (RGCA Statement), informs that there are a number of statutorily listed building in the RGCA, the closest to the appeal site being 42 Clapham Manor Street (No.42). In addition, many of the buildings in the RGCA are locally listed and this includes the appeal property and the adjacent properties, which are thus non-designated heritage assets. The RGCA Statement goes on to states that most extensions are located to the rear of dwellings where their impact on the wider area is minimal. Also, that there is little scope for extensions other than on rear elevations, which should respect the form and design of the host building.
  13. With the proposal the proposed infill extension would be increased in depth and would project close to the corner of the existing single storey addition. The additional area would be lower than the approved rear infill, the existing single storey rear projection and the tall side wall of the rear return on the adjoining property. It would not be as deep as the existing rear returns of the adjoining dwellings, or the original rear return of the host dwelling.
  14. As a consequence, the proposed resultant extension would be extremely well screened within the rear garden environment. It would be screened from the

first floor windows of the dwellings on either side by the existing two storey rear projections. It would also be screened from the dwellings to the rear by the depth of the combined gardens, the tall boundary wall/fence, rear timber pergola and the shrubs and tall trees within the immediate rear garden environment. The proposed extension would not be visible in views to or from any listed buildings, including No.42.

15. The rear elevation of the proposed resultant extension would be fully glazed and would be seen against the backcloth of the upper part of the glazed rear elevation of the approved extension. It would be visually lightweight, recessed behind and materially lower than the rear walls of the existing rear returns on either side of it. In addition, the proposed rear glazed area would visually break up the scale and height of the approved rear elevation.
16. For these reasons, the resultant extension would be visually discrete and would appear subservient to the original and existing host dwelling. It would respect and blend in with the row of dwellings and the rear garden environment as a whole. In this way it would respect the character and appearance of the RGCA and would not have an adverse impact on its significance.
17. As such, the variation of condition No.2, which requires the proposal to be carried out in accordance with the revised plans would be acceptable. However, for the avoidance of doubt and in the interests of enforceability I propose to include the drawing numbers in the varied condition. I have also considered the other conditions set out in the existing approval and consider that, in addition to the standard time limit, the approved materials condition remains necessary to protect the character and appearance of the host property and the row of dwellings. The Council has not suggested the imposition of any further conditions and similarly I do not consider that any are necessary.
18. I conclude that the variation of condition No.2 to allow modifications to the approved scheme would not harm the character and appearance of the host property, the wider terrace, or the RGCA. Similarly, it would not have an adverse impact on the significance the RGCA. Accordingly, the proposal complies with LP policies 11 and 22, the SPD, the RGCA Statement and the Framework.

*Elizabeth Lawrence*

INSPECTOR