



Appeal Decision

Site Visit made on 9 March 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2021

Appeal Ref: APP/H5960/W/20/3263214

Grill on the Hill, 89 Lavender Hill, London, SW11 5QL

- 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 Antonio Gomes against the decision of London Borough of Wandsworth.
 - The application Ref 2020/3143, dated 21 August 2020, was refused by notice dated 20 October 2020.
 - The development proposed is Erection of new retractable pergola system with a guillotine window system.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. Lavender Hill is a relatively wide street, with correspondingly wide pavements, giving an open character and appearance, which persists in spite of the enclosing of street-frontage areas with low walls, fences, structures, tables and chairs for outdoor use. In both the immediate area, elsewhere along Lavender Hill and elsewhere in the area, there are a mixture of temporary, lightweight, retractable shelters, as well as permanent structures, and, in effect, hybrid structures as proposed in this appeal. The planning status of these structures is apparently varied.
4. Whilst I acknowledge that elements of the proposal are removable, it would still have a much greater prominence, visibility, permanence and solidity than the existing, or than most of the units in the area. It would also have a more enclosing effect, narrowing the apparent width and spaciousness of the pavement and the road, in contrast to the established, open, character and appearance of the area.
5. During my site visit, I was able to see the examples cited by both the appellant and the Council, as well as a number of other frontages similar to the proposal and the existing arrangement. Having done so, my conclusions on the effect of the proposal are reinforced.
6. I acknowledge that the pandemic has altered the trading environment and the immediate short-term needs of the business, as well as the support in the National Planning Policy Framework (the Framework) for flexibility in order to

respond to needs not anticipated in the plan and to enable a rapid response to changes in economic circumstances. However, this must be balanced against the need for high quality development for the long term, which is a requirement both of the Framework and the Local Plan, and which should not be sacrificed for short term expediency.

7. I therefore consider that the proposal would, as a result of its relative weight, permanence, prominence and enclosing effects, harm the character and appearance of the area. It would therefore be contrary to Policies DMS1 and DMTS9 of the Wandsworth Local Plan Development Management Policies Document, March 2016. These policies seek, amongst other things, to ensure that development, including to shop fronts, is of high quality, makes a positive contribution and is sympathetic to local character. There are no material considerations of such weight to indicate that a decision be taken other than in accordance with the development plan.

Other Matters

8. I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination. Whilst I acknowledge that the appellant has concerns over the equity of treatment of their proposals and others in the area, but this relates to the way in which the Council has determined applications and undertaken enforcement action.
9. For the purposes of this appeal, I have assessed the proposal against the development plan, and found that it conflicts with it. Even considering the other examples cited, I have not found any material considerations that indicate a decision be taken other than in accordance with the development plan, and I do not consider that my having due regard to the Public Sector Equality Duty in making this decision in the wider public interest would lead me to any other conclusions.

Conclusion

10. For the reasons given above I therefore conclude that the appeal should be dismissed.

S Dean

INSPECTOR