



Appeal Decision

Site visit made on 25 May 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2021

Appeal Ref: APP/N5660/W/20/3260447

21, Flat A Lilford Road, London SE5 9HY

- 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 S Fawcett against the decision of Lambeth Council.
 - The application Ref 20/01625/FUL, dated 17 May 2020, was refused by notice dated 13 July 2020.
 - The development proposed is Garden studio.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - The effect of the proposal on the character and appearance of the Minet Conservation Area (CA); and
 - The effect of the proposal on trees.

Reasons

Character and appearance

3. The appeal site is located within the Minet Conservation Area. Its significance derives from its association with Sir Hughes Minet, a descendant of French Huguenot refugees. It is also significant for its architectural vision of planned fine grained streets, use of specific finished materials and public amenities including churches, school, and the centrepiece of the CA, the public park of Myatt's Fields. The overall effect is one of a tranquil residential environment characterised by small front gardens, larger private rear gardens and mature trees.
4. The appeal property forms part of a long residential terrace characterised by rows of Italianate houses with unifying design features and rear gardens, and contributes to the significance of the CA.
5. The proposal would create a substantial structure within the rear garden. Even though a generous portion of garden would remain, the proposal would appear as a large and out of character feature in this environment where other gardens along the terrace contain only domestic paraphernalia of a small-scale and low level nature.

6. It would be further conspicuous due to its position within the corner of the garden, close to and orientated parallel to the boundary with Number 19 Lilford Road. It would be seen above the perimeter garden boundaries and thus visible from private views and from public views outside the boundary of the site from Claribel Road. Even with the use of cedar cladding to its entire exterior, it would be a poorly designed development where the private gardens are a key characteristic of the conservation area's landscape and spatial character.
7. In the words of the National Planning Policy Framework (Framework), the harm to the CA, a designated heritage asset, is less than substantial. However, any harm requires clear and convincing justification.
8. I appreciate the demand for home working due to the recent Covid-19 pandemic and the consequences this has on the appellants internal private space, and the ancillary space it would provide for them. However, these are private benefits and there is no compelling argument before me that would outweigh the harm I have found to the character and appearance of the CA.
9. Based on my assessment of the proposal, it would not contribute positively to the character and appearance of the CA, or preserve or enhance it, and would lead to less than substantial harm to the heritage asset, taking into account paragraph 196 of the Framework, with no identified public benefits that would outweigh such harm I have identified.
10. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the CA. It would fail to comply with the Lambeth Local Plan (LP) 2015 Policy Q5 for development to achieve local distinctiveness, Policy Q14 to achieve specific criteria for development within gardens, and Policy Q22 for development to preserve or enhance the character and appearance of CA's. Further, it would not comply with the advice contained within the Lambeth's Buildings Alterations and Extensions Supplementary Planning Document 2015. Finally, it would not meet the expectations of the Minet Conservation Area Character Appraisal 2018.

Trees

11. The appellants confirm that a young staghorn sumac tree would be removed as part of the proposal. There are no details provided to suggest the tree is protected by independent or group Tree Preservation Order. Further, the tree is not clearly identified from public views as it is absorbed into the wider landscaping here, and there is nothing before me to suggest it is of 'significant amenity', historic or ecological value.
12. No details of the effect of the proposal on this tree was submitted as part of the proposal. Whilst I am aware of the wording of Policy Q10 of the Lambeth LP, from my inspection on site, the proposal would result in the loss of only one single tree, and its overall contribution to the area is limited.
13. It would not reduce the landscaping cover within the garden to a detrimental effect as there is already a good level of landscaping. Furthermore, were I minded to allow the appeal, a condition could be secured to provide a replacement.
14. To conclude on this main issue, I find that the proposal would have no unacceptable impact on trees, and would not conflict with the requirements of Policy Q10 of the LP.

Other Matters

15. Despite no letters of objections having been received to the proposal from local residents, an absence of harm is a neutral matter which weighs neither for nor against the appeal proposal.

Conclusion

16. The proposal would harm the character and appearance of the local area and its contribution to the CA, in conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Alison Scott

INSPECTOR