
Appeal Decision

Site visit made on 18 May 2021

by **David Cliff BA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 August 2021

Appeal Ref: APP/N5660/W/20/3259026

6A Sulina Road, London SW2 4EJ

- 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 M Mehta (Lexmead Properties Ltd) against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/04712/FUL, dated 18 December 2019, was refused by notice dated 11 August 2020.
 - The development proposed is 'the demolition of existing buildings and redevelopment of the site to provide 2 new homes (1 x 5 person 4 bed and 1 x 4 person 3 bed)'.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and redevelopment of the site to provide 2 new homes (1 x 5 person 4 bed and 1 x 4 person 3 bed) at 6A Sulina Road, London SW2 4EJ, in accordance with the terms of the application Ref 19/04712/FUL dated 18 December 2019 and subject to the conditions in the attached schedule.

Preliminary Matters

2. The new London Plan was published on 2 March 2021. I therefore provided an opportunity for the main parties to make further comments on any implications of this for the determination of this appeal. I have taken account of the comments received in my decision.
3. The appellant has submitted a unilateral undertaking with the appeal to secure the development as permit free and to provide car club membership for each of the two dwellings. On this basis, the Council no longer seeks to defend its reason for refusal on parking and highway grounds.
4. The revised National Planning Policy Framework was published on 20 July 2021. I do not consider in this case that this raises any matters that require me to seek any further representations from the parties and I am satisfied that no interests have been prejudiced in this regard.

Main Issues

5. The main issues are the effects upon (i) the character and appearance of the area and (ii) upon the setting of the adjacent Grade II listed building at Brashiers Cottage.

Reasons

6. The site, containing single storey buildings, is located between a long residential brick terrace with small setbacks from the pavement and a row of more modest painted properties with their front elevations directly adjoining the pavement. There are further rows of terraced properties on the opposite side of the road, their rhythm broken by a group of terraced properties located at right angles to the road near to the appeal site.
7. The proposal would replace the existing buildings through extending the existing row of adjacent properties with further additional two storey and single storey elements set back from the site frontage. The first element of the proposal containing House 1 would generally align with the existing terrace. The proposed ground floor bay window and general detailing would be similar to that of the existing terraced properties albeit with different spacing between openings. Whilst the frontage of House 1 would be narrower than the others in the row and the upper floor windows and ground floor window and door would be marginally more closely spaced, the regularity of proportions including first floor window spacing along the terrace is already broken by the existing end of terrace property, with vehicular access below. The deviation from the existing form and proportions would not be to such a degree to result in any harm to the streetscene and local distinctiveness.
8. Although a staggered building line would contrast with the aligned rows of terraced properties, the road contains other examples of development that does not follow this general pattern and form, including the existing buildings on the site. The pattern of setback would be rather unusual in the general context, but this does not mean to say that it should appear as being incongruous. Rather it has been designed in such a way, taking account of the site specific circumstances, in order to make the best use of the land and to preserve neighbouring living conditions. The appearance of the existing site is already at odds with the remainder of the streetscene and the proposed development would introduce two storey residential development that, as a whole, would be considerably more in keeping than the existing situation.
9. The set back of House 2 would result in this part of the development not being of any particular prominence within the streetscene. Its reduced height and set back position would lead to it appearing as subordinate to the remainder of the terrace. The hipped roof form and rendered exterior of part of House 2 would provide for an acceptable transition between the respective groups of existing building forms in the street. Its low profile form and set back positioning would mean that its actual impact on the streetscene would be minimal. Furthermore, the contrasting roof forms would not be prominent in the streetscene and with the use of appropriate materials would not be unacceptable in appearance.
10. The proposed site is separated from the Grade II listed Brashiers Cottage to the rear by a high brick wall running along its rear boundary. Its listing description states that it has been included for the fine quality of its interiors and their exceptional state of preservation and completeness. The building is already surrounded by a mixture of building forms and designs, some of which are already close to it.
11. The proposal would be read as being part of the existing development along Sulina Road, whereas the listed building forms part of an existing tight knit cluster of development at the rear accessed from New Park Road.

Notwithstanding the existing single storey buildings to be demolished, the proposed development would not protrude any further to the rear than the existing rear projections of the main terrace of properties on the southern side of Sulina Road. Taking account of my reasoning set out above in respect of the design of the proposal and the rather modest heights of the part of the proposals closest to the rear boundary, the siting and design of the development would not lead to any harm to the setting and significance of the listed building.

12. The proposed development would provide for a good quality development that satisfactorily sustains and reinforces local distinctiveness. It would not result in any harm to the character and appearance of the area and would preserve the setting of the listed building to the rear. The proposal would therefore accord with the design and heritage aims of Policies Q5, Q7, Q8 and Q20 of the Lambeth Local Plan 2015. It would also fulfil the design and heritage aims of Policies D3 and HC1 of the London Plan 2021.

Other matters

13. As referred to above, the appellant has submitted a unilateral undertaking to secure the development as permit free and to secure car club membership for each of the proposed dwellings. The site is located within an area of very good public transport accessibility and is within a Controlled Parking Zone. Although the evidence before me is limited in terms of what the effects might be of allowing parking for these two proposed dwellings, it is likely that the cumulative impact of additional parking from all new developments could be significant. A car free development would also contribute to the Council's aims of promoting sustainable travel. Taking account of the parking and transport aims of Policies T1, T6 and T7 of the Local Plan, I am satisfied that the obligations are necessary, directly related to the development and are fairly and reasonably related to the development in scale and kind.
14. Matters regarding the stability of the adjoining building might need resolution between the relevant parties prior to the works commencing but this is not a matter which carries significant weight in my determination of the appeal.
15. The Council raises no objection with regard to neighbouring living conditions and from the evidence before me and my site inspection, no significant issues arise in this regard.

Conditions

16. I have considered the Council's suggested conditions and the appellant's comments upon them. In some cases not referred to below, I have amended the wording of a suggested condition for clarity and precision, though these do not alter the general essence of each particular requirement.
17. An approved plans condition is necessary to create certainty for all parties. A condition controlling demolition and construction is required to safeguard residential amenity and local highway conditions. A contamination condition is necessary to safeguard the environment and human health. A Secure by Design requirement is needed for safety and security. Details of a) materials (these are not clearly shown on the plans) and b) specific design details are necessary in order to ensure a high standard of design, albeit I have reduced the scope of the detailed matters needing approval.

18. A landscaping scheme is not required for a development of this modest scale taking account of the limited available space for landscaping and the freedom for future occupiers to provide landscaping as they wish. However, I have imposed a condition to ensure that the boundary treatments are provided as shown on the approved plans in the interests of design quality and residential living conditions. Waste and recycling storage details are required to safeguard visual amenity and promote sustainable waste management. Should future changes of significance be requested in this regard, they would require subsequent approval. A cycle parking condition is required to promote sustainable transport. Conditions regulating water use and seeking to minimise carbon emissions in accordance with the Energy Statement are necessary to promote energy efficiency and the sustainable use of resources. Surface water drainage details are necessary in order to reduce the risk of localised flooding and to promote sustainability.
19. I have not imposed the Council's suggested condition restricting permitted development as the Council has not provided any specific clear and convincing justification for such restrictions. It is therefore not apparent why restrictions should be applied which do not apply to most other existing dwellinghouses.
20. Conditions 3 and 4 need to be pre-commencement conditions as they relate to matters requiring approval where adverse effects might otherwise result from the onset of development works.

Conclusion

21. The proposed development would accord with the development plan and there are no material considerations, either individually or cumulatively, that outweigh this finding.
22. I therefore conclude that the appeal should be allowed.

David Cliff

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2. Other than as may be varied by the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: E-SUL-1, SUL-PR-1B, SUL-PR-2B, SUL-PR-3B, SUL-PR-4B, SUL-PR-5B, SUL-PR-6B, SUL-PR-7B, SUL-PR-8B and SUL-PR-9B.
3. No demolition or construction shall commence until full details of the proposed demolition and construction methodology, in the form of a Method of Demolition and Construction Statement (MDCS), has been submitted to and approved in writing by the local planning authority. The MDCS shall include details of:
 - a) The notification of neighbours with regard to specific works;
 - b) Advance notification of road closures;
 - c) Details regarding parking, deliveries and storage;
 - d) Details regarding dust mitigation;
 - e) Details of measures to prevent the deposit of mud and debris on the public highway;
 - f) Details of a temporary lighting strategy;
 - g) Details of the hours of works, deliveries and other measures to mitigate the impact of demolition and construction on the amenity of the area;
 - h) Any measures to mitigate the impact of demolition and construction upon the function and safety of the surrounding area for cyclists; and
 - i) Any other measures to mitigate the impact of demolition and construction upon the amenity of the area and the function and safety of the highway network.

No demolition or development shall commence until provision has been made to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site or otherwise during the construction period in accordance with the approved details. The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the MDCS.

4. a) Unless otherwise agreed in writing by the local planning authority, no development shall commence until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved in writing by the local planning authority:
 - i) A site investigation scheme based on previous findings and including consideration of volatile organic compounds, sufficient to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;
 - ii) The site investigation results and the detailed risk assessment resulting from i);

- iii) An options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
 - iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- b) The development shall thereafter be implemented in accordance with the approved details and measures.
- c) Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.
- d) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination will be dealt with.
5. The development shall be constructed to Secured by Design Standards and shall not be occupied until a certification of accreditation has been submitted to and approved in writing by the local planning authority.
6. Prior to commencement of development beyond the superstructure, a schedule and samples of materials to be used in both the external elevations of the dwellings and the front boundary walls, shall be provided to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved materials.
7. Prior to commencement of development beyond superstructure, detailed construction drawings (at scale 1:10) of the following shall be submitted to and approved in writing by the local planning authority.
- a) Windows;
 - b) External doors;
 - c) Rainwater goods;
 - d) Any vents, extracts, flues or ducts.
- The development shall be carried out in accordance with the approved details.
8. The development shall not be occupied until all boundary walls and fencing have been implemented as shown on the approved plans. The walls and fences shall thereafter be retained in accordance with the approved details.

9. Prior to the first occupation of the development hereby permitted, waste and recycling storage shall be provided in accordance with details which shall have previously been submitted to and approved in writing by the local planning authority. The storage shall thereafter be retained in accordance with the approved details.
10. Prior to the first occupation of the development hereby permitted, cycle storage shall be provided in accordance with details which shall have been previously submitted to and approved in writing by the local planning authority. The cycle storage shall thereafter be retained in accordance with the approved details.
11. The dwelling shall not be occupied until the Building Regulations optional requirement to limit internal water consumption to 105 litres per person per day has been complied with.
12. The development hereby approved shall be carried out and implemented in accordance with the submitted Energy Statement (by Peter Pendleton and Associates dated 13 December 2019) in order to achieve a maximum possible reduction in carbon emissions over that required by Part L of the Building Regulations 2013.
13. Prior to the commencement of development above ground level, details of surface water drainage shall be submitted to and approved in writing by the local planning authority. The details shall include information on the potential for disposing of surface water by means of a sustainable drainage system, along with the siting, capacity and operation of any associated pipe work. The development shall be carried out and maintained in accordance with the approved details.