



Appeal Decision

Site Visit made on 25 October 2021

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2021

Appeal Ref: APP/N5660/D/20/3252349

39 Thornton Avenue, LONDON, SW2 4HJ

- 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 Olga McMurdo against the decision of London Borough of Lambeth.
 - The application Ref 19/03476/FUL, dated 20 September 2019, was refused by notice dated 13 November 2019.
 - The development proposed is demolition of a brick double garage outbuilding and construction of a new timber faced outbuilding for purposes incidental with enjoyment of the house, to house a garage and a home gym.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. I have had regard to the Framework in reaching my decision.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of Telford Park Conservation Area (the CA).

Reasons

4. The road frontage properties in the area have generous rear gardens that host trees and other vegetation. This creates a sense of openness to the area which gives it a distinctive character. Furthermore, the verdant gardens make a significant contribution to the area's character and appearance. These attributes of the area have no doubt contributed to the area's CA designation. The estate layout clearly contributes to the area's historic significance. The rear garden is enclosed by a tall close board fence where it sides onto Criffel Avenue, similar to those of other properties in the area.
5. The proposed garage and gym building would occupy a large area at the bottom of the garden and would be built up to the boundaries of the site. Policy Q14 of the Lambeth Local Plan 2015 (the Local Plan) sets out criteria for development in rear gardens as it recognises that such development has the potential to erode the amenity value of areas.

6. One of the criteria requires a significant proportion (no less than 70 per cent) of the existing garden to be retained with the host building. On the Council's calculations approximately 31 per cent of the rear garden would remain and this falls significantly short of this policy requirement. The appellant has provided measurements of the original house and existing garage with its parking area and space behind the garage. Whilst it is suggested that more than 70 per cent as required by Policy Q14 would be met, it does not appear to me that the appellant's calculations have taken into account any additions to the original dwelling that have taken place. I cannot, therefore, be certain the appellant's assertion to be correct. It is also contested that the space in front of the garage should not be considered as part of the garden. However, I saw that the existing parking area had been surfaced with plastic grass and was clearly being used as outdoor living space as part of the garden. I, therefore, do not agree with the appellant on this point.
7. Another criterion requires a setback of at least 1m from all site boundaries which the development would not achieve on three of its sides. The appellant's Grounds of Appeal comments that the proposed building would be set in from the boundaries of the site by 0.5m but that is not what is shown on the plans that are before me. It is advised that the existing western boundary fence is incorrectly located around 0.5m from the legal western boundary of the site. It is also pointed out that the existing garage currently abuts the northern boundary. However, the proposal relates to a larger building to that of the existing garage that is shown on the plans to abut the boundaries of three of its sides.
8. Amended plans support the appeal and revise the proposal to provide setbacks from two of the side boundaries. However, I am required to consider those plans that were before the Council and upon which the Council made its determination. In any event those plans illustrate a building that would not meet the 1m setback requirement of Policy Q14.
9. The proposed building would exceed the size criteria as set out within Policy Q14. It would be an excessively large building that would diminish the openness of this rear garden. It would be out of keeping within this locality. As such, in not reflecting local context and the historic character of the area the development would be harmful.
10. Policy Q14 of the Local Plan also requires the development to be well designed utilising visually attractive materials. Although the appellant's Grounds of Appeal refers to a timber clad front gate, a large metal roller shutter garage door indicated to be painted light grey (as shown on the plans determined by the Council) is proposed at Criffel Avenue. Its size and materials would be highly visually conspicuous, and it would be out of keeping with the timber fence at the appeal site and other fences that characterise the area. The metal door would not respond positively to local context and would be visually harmful to the character and appearance of the area.
11. I accept that views of the proposed development would be limited and, to some extent, would be obscured by some established vegetation close by. However, existing screening would not constitute exceptional justification for the development. Furthermore, the argument that it would be out of public view would not be compelling in principle. It is an argument that could be repeated

all too often to the overall detriment of the character and appearance of the CA.

12. It could be said that the colours used in the existing garage are incongruous with the host dwellinghouse. However, unlike the proposed garage, the existing garage is contained within the boundaries of the site and would not be visible from the public highway. This provides no justification for the proposed development and for this reason holds no weight in favour of the proposal.
13. I have been provided with a satellite view where extensions or outbuildings have been added to properties close by of varying designs and styles. However, as I see it the Council is not objecting to the erection of an outbuilding, rather its concerns relate specifically to the proposal's footprint, lack of setback from boundaries and the material put forward for the gate.
14. A green roof would contribute to air purification, biodiversity and possibly reduce ambient temperature and appear as a natural feature to neighbours. The building would be low and the front elevation is said to have been designed to match the existing fence. Whilst these may be individual attributes of the proposed scheme, they do not outweigh my above concerns or justify the proposed development.
15. A condition that could require no maintenance composite timber rather than timber be used within the development has been put forward. However, that would not ameliorate my above concerns sufficiently to allow permission to be granted.
16. I have been referred to a large property in Kent that hosts a conservatory, however that is quite clearly a very different development to that before me and does not relate to local context. I have also been referred to planning applications for outbuildings at the foot of the rear gardens of 60 Killieser Avenue, 47 and 58 Tierney Road. The details provided by the appellant show those outbuildings to be setback from three surrounding boundaries. I have also been provided with other examples at 29, 41 and 53 Telford Avenue, however those developments appear to me to be quite different in size, footprint and site coverage to that of the proposal before me. These examples offer little weight in support of the proposal. I have also been referred to allowed appeals at 13 Bridgewood Road, 66 Leigham Vale and 63 Brixton Water Lane but I have been provided very limited information relating to those cases. I am therefore unable to compare what similarity, if any, those appealed developments would have to that of the proposal before me. I therefore consider this proposal can and should be considered on its own individual merits.
17. For the reasons given above, I conclude that the proposed development would neither preserve or enhance the character or appearance of the CA.
18. Given the size and scale of the proposal within the CA as a whole, I consider there would be less than substantial harm to the character and appearance of the CA. In accordance with paragraph 202 of the Framework, I must weigh the harm against the public benefit of the proposal. Although the development would utilise quality materials and construction and incorporate a green roof that could foster biodiversity and secure the optimal viable use of the site, the benefit to the public, in my view would be minimal, and insufficient to outweigh

the harm identified. I conclude therefore the proposal would fail to accord with national policy.

19. For those reasons, I conclude that the proposed development would not preserve or enhance the character or appearance of Telford Park CA. The proposal would, therefore, conflict with Policies Q5, Q14 and Q22 of the Local Plan and the provisions of the Framework. These policies seek, amongst other matters, development to respond positively to aspects of local context and historic character and require development within CAs to preserve or enhance the character or appearance of the CA.
20. The Council's decision notice refers to the Building Alterations and Extensions Supplementary Planning Document 2015, however the Council has not referred to it as part of the planning considerations within its delegated report. Therefore, I have not been directed to any parts of that document to which the development may be contrary.

Other Matters

21. The Council did not give the applicant the chance to address the Council's concerns prior to reaching a decision on the planning application. However, this is not a matter that is primarily before me in respect of this appeal but is an issue for the local planning authority in the first instance. In any event, these concerns would not lead me to alter my findings above.

Conclusion

22. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR