



Appeal Decision

Site visit made on 6 December 2021

by C Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 17 December 2021

Appeal Ref: APP/N5660/D/21/3282275

Lynwood House, Macauley Road, London SW4 0QS

- 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 & Mrs Belloli against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 21/01071/FUL, dated 15 March 2021, was refused by notice dated 29 July 2021.
 - The development proposed is described as "Erection of new brick boundary wall to western boundary, erection of external store abutting new boundary wall. Replacement of existing metal railings and gate with new metal railings and gate, removal of dwarf wall to allow for new driveway access with new metal gate".
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Decision

1. The appeal is allowed and planning permission is granted for a development described as "Erection of new brick boundary wall to western boundary, erection of external store abutting new boundary wall. Replacement of existing metal railings and gate with new metal railings and gate, removal of dwarf wall to allow for new driveway access with new metal gate" at Lynwood House, Macauley Road, London SW4 0QS in accordance with the terms of the application, Ref 21/01071/FUL, dated 15 March 2021, subject to the conditions set out in the Schedule at the end of this Decision.

Procedural Matter

2. The Council's Decision Notice and Officer Report quote the policies of the Lambeth Local Plan which was adopted in 2015. However, these policies have been superseded by the Lambeth Local Plan 2020-2035 which was adopted during the course of the appeal process and now forms part of the statutory development plan for the area. The Council has provided me with a list of policies from the new Local Plan which it considers of most relevance to the current appeal and I have based my decision on these policies rather than those which were originally quoted in the Decision Notice.

Main Issues

3. The main issues in this case are:
 - whether the proposal would preserve or enhance the character or appearance of the Clapham Conservation Area.
 - the effect of the proposal on the safe and efficient operation of the highway network in the vicinity of the appeal site.

Reasons

Character and appearance

4. Lynwood House is a large, detached property in a visually prominent location on the corner of Lambourn Road and Macauley Road. I understand that it dates from the late Victorian period and, despite some modern alterations, appears to have retained many of its original features. Alongside surrounding properties, Lynwood House forms part of the Clapham Conservation Area. The significance of the Conservation Area is mainly derived from the architectural quality of the historic buildings it contains.
5. Although a number of changes are being proposed, the Council draw particular attention to the proposed parking space at the front of the house and the gate that would be used to access this. I saw on my visit that the area which would accommodate the parking space is covered in gravel and therefore maintains a relatively hard, developed appearance. While it is proposed to replace this with paving and a small amount of planting, this would be a relatively minor change with a limited visual impact on the property or wider street.
6. The proposed vehicle access gate would be a more prominent feature as it would directly face Macauley Road. It would also require the removal of the existing wall and railings at the front of the property. However, the gate would reflect the broad design of the railings elsewhere along the street frontage and so would not substantially alter the appearance of the property even though it would be taller than the existing railings it would replace. Although the sliding mechanism would create a 'double railing' effect when the gate is open, I have little reason to suppose that it would remain open for extended periods of time considering that its purpose would be to help secure the property. While the Council express concern at the design of the proposed railing posts, the finer details of the gate could be subject to planning conditions in order to help ensure that visual consistency is maintained.
7. Policy Q14 of the Local Plan¹ says that front gardens and prominent corner/side gardens are not considered appropriate for development. Paragraph 10.61 of the supporting text explains that front gardens provide a landscaped setting to buildings and an important defensible semi-public space. It goes on to say that the gaps in built frontages created by side spaces/side gardens (and rear gardens on side streets) often provide spatial openness and attractive glimpse views between buildings to rear gardens.
8. However, the front of Lynwood House already features hard landscaping and so the introduction of a paved parking area would not substantially alter this. Furthermore, as the parking would be offset to one side of the main frontage, a parked vehicle in this location would not result in undue clutter at the front of the property and a sense of visual openness would be maintained. It therefore seems to me that there would be no conflict with the objective Policy Q14 to maintain the visual amenity of front gardens.
9. I conclude on this issue that the proposed development would preserve the character and appearance of the Clapham Conservation Area. There would be no conflict with Policies Q2, Q5, Q8, Q9, Q11, Q15 or Q22 of the Local Plan which, in various ways, aim to ensure appropriate standards of design.

¹ Lambeth Local Plan 2020–2035

Highways

10. Policy T6 of the London Plan² indicates that car free development should be the starting point for all proposals in places that are well-connected by public transport. I understand that this part of the Conservation Area has a very good Public Transport Accessibility Rating and so new parking provision would normally be resisted, unless it is for Blue Badge holders.
11. In this case, I understand that the space at the front of Lynwood House was actively used for parking until recently and I note that the planning history listed in the Council's report indicates that permission³ was granted in 1998 for a driveway opening. I am informed that this was across neighbouring land which is out of the appellant's control. A wall has now been built to divide the sites, effectively making the space inaccessible. However, the parking space could be potentially opened up again in the future if the boundary wall were to be removed. The current proposal would lead to a very similar arrangement to that which existed until recently, except that the access would be modified. Taken as a whole, it therefore seems to me that the development would not lead to the creation of an additional parking space, but would instead enable access to an already established space. It would therefore not conflict with the objectives of London Plan Policy T6 and Local Plan Policy Q14 to restrict new parking provision to Blue Badge holders.
12. The proposed new driveway would be positioned next to the existing driveway which is used to access the neighbouring land. It is not entirely clear from the information before me what the neighbouring site is used for, although some evidence has been provided which indicates that it is proposed to accommodate car free development on the site. If this is the case, then it would clearly limit the extent to which vehicles would be likely to use this driveway. But in any event, the proposal before me in the current appeal is for access to a single parking space and, regardless of what happens on the neighbouring land, this is unlikely to generate to a volume of vehicle movements that would harm the pedestrian environment or undermine highway safety.
13. I therefore conclude on this issue that the proposal would have an acceptable effect on the safe and efficient operation of the highway network in the vicinity of the appeal site. For the reasons given above, there would be no conflict with Policy T6 of the London Plan or the aims of Local Plan Policy Q14.

Conclusion

14. The appeal is allowed.
15. In the interests of clarity, standard conditions requiring the development to be carried out in accordance with the plans and within a time limit have been imposed. To help protect the character and appearance of the area, I have also imposed a condition which requires external materials to match those in the existing building. For similar reasons, I have also imposed conditions requiring further details of the railings, pedestrian gate and vehicular gate to be approved by the Council. Although I have not specified that plans should be provided at a scale of 1:10 as suggested by the Council, it is nonetheless important to ensure that sufficient detail is provided given the weight that is attached to the protection of heritage assets within government policy.

² The London Plan, March 2021

³ Council Ref: 98/02353/FUL

16. Finally, as suggested in the Officer Report, there is a condition requiring that the parking area surface is permeable to water. This is to meet the objectives of Policy Q14 of the Lambeth Local Plan. Both parties agree that the condition which was originally suggested by the Council concerning the infilling of an opening in the rear garden wall is unnecessary and I concur.

C Cresswell

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 03-460 B, 03-461 B, 03-110 A.
- 3) The materials to be used in the external surfaces of the development hereby permitted shall match those in the existing building.
- 4) The materials to be used in the parking area surface shall be permeable to water.
- 5) Notwithstanding condition 2, no development shall take place until details of the fencing, pedestrian gate and vehicular gate have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained thereafter.