



Appeal Decision

Site visit made on 18 January 2022

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2022

Appeal Ref: APP/N5660/W/21/3276902
59 Mount Ephraim Lane, London SW16 1JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Mackereth against the decision of London Borough of Lambeth.
 - The application Ref 21/00624/VOC, dated 15 February 2021, was refused by notice dated 12 April 2021.
 - The application sought planning permission for erection of a two-storey house with loft and basement without complying with a condition attached to planning permission Ref 20/01663/FUL, dated 16 July 2020.
 - The condition in dispute is No 2 which states that: *The development hereby permitted shall be carried out in accordance with the approved plans listed in this notice.*
 - The reason given for the condition is: *For the avoidance of doubt and in the interests of proper planning.*
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling, erection of a two-storey house with loft and basement at 59 Mount Ephraim Lane, in accordance with the application Ref 21/00624/VOC dated 15 February 2021, without compliance with condition 2 of permission Ref 20/01663/FUL dated 16 July 2020, subject to the conditions set out in the schedule appended to this decision.

Preliminary Matter

2. The evidence before me indicates that the Condition 2 has been breached in relation to the front hipped roof and timber framed windows. However, I have based my reasoning on the merits of the case.
3. I am aware that the Lambeth Local Plan 2021 (LP) has now been adopted. As such I have given full weight to the relevant policies within the LP.
4. The officer's report indicates that the proposed design variations encompass works other than the hipped roof and timber windows. However, the submitted plans appear to show only the proposed amendments to the dwelling's front roof and windows on the front elevation and as such I have confined my reasoning to these elements.

Background and Main Issues

5. The original permission concerned the demolition of a dwelling and its replacement. During construction the development deviated from the approved plans. The appellant applied for a variation in the condition relating to the approved plans to regularise changes made to the roof and windows.
6. The main issue therefore is whether the condition is reasonable and necessary with regard to the setting of the locally listed 57 Mount Ephraim Lane, and the character and appearance of the Streatham Park Garrards Road Conservation Area (CA).

Reasons

Heritage Assets

7. Number 57 Mount Ephraim Lane (No 57) is a two-storey classically inspired former gatehouse to a small estate named Woodfield, whose land has now been developed. Its principal stuccoed elevation has quoins, dentilled pediments above the entrance door and ground floor windows, deep wooden eaves and a slate hipped roof. It dates from the mid-19th century and is locally listed. Number 57's significance arises from its historic links with the former Woodfield estate, and its styling and intact historic fabric.
8. Other dwellings along Mount Ephraim Lane reflect the area's early 20th century development, with typological references to the arts and crafts movement and a vernacular revival. However, although there are a few distinctive and individually designed red brick and tiled dwellings in the street scene, the predominant built form comprises two storey semi-detached villa style dwellings similar to those found in many other outer London suburbs.
9. The significance of the CA is derived from its distinctive architectural mix, which reflects the prevailing architectural styles of each wave of London's expansion, particularly since the early 20th century.
10. Number 59 Mount Ephraim Lane (No 59) is of new construction and replaces an earlier dwelling which dated from the 1930's. It appears to have been built broadly on the footprint of the earlier dwelling. The dwelling has a bold street-facing gable, with a shallow subsidiary gable feature to the fore, and metal framed windows. The approved plans show a very shallow but steeply hipped roof on the foremost gable, and timber framed sash windows on the front elevations.
11. The pitch of the proposed hipped roof would be noticeably steeper than the prevailing roof pitch of the host dwelling. The hipped roof form would also appear shallow and underscaled, both in relation to the host dwelling and the dominance of the more substantial and shallower hipped roof of the adjacent No 57. I conclude that it would appear contrived as well as being a rather unsatisfactory and incongruous addition to the host dwelling. I appreciate that No 59's rather stark double gable jars with the more elegant lines of No 57, but replacing the foremost gable with a hipped roof unrelated to the host dwelling or other dwellings in the vicinity, will do little to reduce this harm.
12. Overall, the dwelling has a contemporary style with minimal ornamentation. The existing metal framed windows are in keeping with the overall design. Their replacement with timber framed sash windows, particularly with timber

mullions for the main ground floor feature windows, would appear to relate to a building style more commonly found in the early 20th century villa style dwellings nearby. In this context they would appear incongruous and out of keeping with the simpler fenestration used elsewhere at No 59.

13. It is difficult to see any relationship or congruity between Nos 57 and 59 in terms of overall style, form and use of materials. Nonetheless, the addition of detailing, form and materials which are in themselves unrelated to the prevailing design style of No 59 will not lessen the incongruity that exists between No 57 and 59. The street scene is better served by having an uncompromising design but overall coherence at No 57, than a design which seeks to borrow features from buildings of another period.
14. I acknowledge that the Council advised the appellant of their concerns during No 59's construction when it was apparent changes were being made to the approved scheme. Nonetheless, this does not alter my reasoning with regard to the relative merits of the amended scheme compared to the approved drawings.
15. As such, whilst I agree that the value engineering undertaken appears to have been somewhat detrimental to No 59's overall appearance, I am satisfied that the development before me has not compounded the harm to the setting of No 57. Nor has it failed to preserve or enhance the character or appearance of the CA. As such the development is not contrary to LP Policies Q5 and Q6 which are concerned with local distinctiveness and urban design respectively. Nor does the development conflict with LP Policy Q22 which is concerned with the preservation or enhancement of the character or appearance of conservation areas, or LP Policy Q23 which seeks to protect non-designated heritage assets and their settings.

Other matters

16. An interested party has submitted detailed concerns. I agree that No 59 is incongruous in the street scene. However, this does not alter my reasoning that the approved details would result in a building which was more out of keeping than what is proposed. In any case, the appeal is concerned a condition on the original permission only.

Conditions

17. As the development is retrospective there is no need to impose the standard time condition. I have however imposed a condition listing the approved drawings for the avoidance of doubt.
18. With regard to the other conditions attached to the original permission, Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As I have only limited information before me about the status of each of the other conditions imposed on the original planning permission, including pre-commencement conditions, I shall impose them on this decision. In the event that conditions other than 5 and 7 have been discharged, that is a matter which can be addressed by the parties.
19. I have imposed conditions with regard to hard and soft landscaping, materials and permitted development, to safeguard the character and appearance of the

area. I have also imposed conditions with regard to surface water management to reduce the risk of flooding, and cycle parking to encourage the use of sustainable modes of transport. With regard to the basement I have also set out a condition to ensure the basement construction does not have an unacceptable impact on land stability.

20. To ensure accessibility I have imposed a condition relating to compliance with Building Regulations, and a condition requiring compliance with the sustainability statement is intended to minimise mains water use.
21. Although the dwelling has been built, I have also imposed the condition relating to a construction management plan in the absence of information regarding its discharge.

Conclusion

22. I conclude that the condition is not necessary to make the development acceptable in planning terms and that the approved drawings list should be amended to regularise the works set out in this appeal. The appeal is allowed.

A Edgington

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans, other than where those details are altered pursuant to the conditions of this planning permission:
10152A01001, 10152A01004, 10152A04001, 10152A03004,
10152A03002, 10152A01003, 10152A03001, 10152A05001,
10152A05002, 10152A03003, 10152A03005 D, 10152A03006 D,
10152A05004 D, 10152A05005 D, 10152A05010 E, 10152A05003 D,
Basement Impact Assessment, Design & Access Statement, Heritage Statement, Photos.
- 2) No development shall commence until full details of the proposed construction methodology, in the form of a Method of Construction Statement, have been submitted to and approved in writing by the local planning authority. The Method of Construction Statement shall include:
 - a) The scope and nature of notifying neighbours with regard to specific works;
 - b) Advance notification of road closures;
 - c) Details regarding parking, deliveries, and storage;
 - d) Details regarding dust mitigation and asbestos disposal;
 - e) Details of measures to prevent the deposit of mud and debris on the public highway;
 - f) Any other measures to mitigate the impact of construction upon the amenity of the area and the function and safety of the highway network.

No 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 Method of Construction Statement.

- 3) No development shall commence on site until a detailed Surface Water Management Strategy document has been submitted to and approved in writing by the local planning authority. This document shall include:
 - a) a detailed design of the site's surface water drainage system;
 - b) demonstrate the technical feasibility/viability of the system through the use of SuDS to manage the flood risk to the site and elsewhere;
 - c) the measures taken to manage the water quality for the life-time of the development;
 - d) maintenance schedule, confirmation of the management arrangements.

The approved scheme for the surface water drainage shall be carried out in accordance with the approved details before the development hereby approved is first occupied.

- 4) The development shall be undertaken in accordance with the details approved under application reference 20/02860/DET permitted 1 October

2020 and hereby approved in respect of the materials, and as shown on the aforementioned approved drawings.

- 5) Prior to the commencement of any above ground works of the development hereby permitted, a hard and soft landscaping scheme shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall be thereafter carried out in accordance with the approved details within 6 months of the date of occupation. All trees, shrubs and hedge planting included within the above specification shall accord with BS3936:1992, BS4043:1989 and BS4428:1989 (or subsequent superseding equivalent) and current Arboricultural best practice. The submitted details shall demonstrate the following:
 - a) The quantity, size, species, position and the proposed time of planting of all trees and shrubs to be planted;
 - b) An indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance and protection;
 - c) Specification of which shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape;
 - d) Specification of hard landscaping including ground coverage, permeable paving;
 - e) Details of all boundary treatments other than the front boundary wall approved under 21/04022/VOC.
- 6) The development shall be undertaken in accordance with the details approved under application reference 20/02860/DET permitted 1 October 2020 in respect of the Sustainability Statement.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that order with or without modification) no enlargement, improvement, alteration, building, or enclosure permitted by Schedule 2, Part 1, Classes A, B, C, D, E or F of the Order shall be carried out or erected without the prior written permission of the local planning authority.
- 8) The proposed house hereby permitted shall be constructed to comply with Part M4(2) of the Building Regulations.
- 9) Prior to the occupation of the development hereby permitted, details of the provision to be made for cycle parking shall be submitted to and approved in writing by the local planning authority. The cycle parking shall thereafter be implemented in full accordance with the approved details before the use hereby permitted commences and shall thereafter be retained solely for its designated use.
- 10) The development shall be constructed in accordance with the Basement Impact Assessment and Structural Method Statement prepared by Structural Design Studio (Job Number 219160, Revision P1, dated September 2019).