



Appeal Decision

Site visit made on 14 December 2021

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2022

Appeal Ref: APP/N5660/W/21/3276320

Flat A, 395 Clapham Road, London SW9 9BT

- 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 Jeff Hammock against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 21/01133/FUL, dated 19 March 2021, was refused by notice dated 14 May 2021.
 - The development proposed is described on the application form as "Single storey rear/side extension and internal alterations to a ground floor flat and replacement of garden shed at the back of the garden".
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of the site visit the proposed rear extension and replacement garden outbuilding had already been constructed by way of an earlier approved scheme¹. The appeal has therefore been considered in this context.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the host building and the Clapham Road Conservation Area; and
 - the effect of the proposed development on protected trees.

Reasons

Character and appearance

4. As the site is located within the Clapham Road Conservation Area (CA), a designated heritage asset, there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the CA primarily derives from the quality and harmony of the largely nineteenth and early twentieth century residential development found therein, which mostly comprises of terraces.
5. The appeal site accommodates a four storey mid-terrace building. It has a detailed front elevation and a carefully considered rear elevation, the latter featuring a four storey rear projection or "outrigger" and an adjacent open side

¹ Council Ref: 20/02556/FUL

return area. As such, the building has a distinctive architectural form and character which makes a positive contribution to the character and appearance of the CA.

6. The recently constructed single storey rear extension has flank walls which align with those of the outrigger. Furthermore, in the earlier approved scheme, the proposed side extension would be set back from the end of the outrigger. Consequently, the two respective extensions would be separate and neither would unduly dominate the form and character of the outrigger.
7. In contrast, the position of the side extension in the appeal scheme would directly adjoin a large proportion of the south-west flank of the rear extension. Notwithstanding the variation in height, roof form and external materials, as well as the relatively small scale of the side extension taken in isolation, the two elements would appear as a single built form that would project beyond the corner of the outrigger and span the full width of the plot. Therefore, due to their combined width, they would unduly dominate the form and character of the outrigger.
8. While Policy Q11 of the 2021 adopted Lambeth Local Plan (LP) generally supports full-width rear extensions, caveats to this include the expectation that the design positively responds to the original architecture of the host building, and the development is subordinate. Given the proposed scheme would fail to meet these expectations for the reasons set out above, it would conflict with Policy Q11. Moreover, due to the detrimental impact on the architectural form and character of the host building, it would fail to preserve or enhance the character or appearance of the CA.
9. Although the single storey development would be shielded to a degree by the site boundary treatment, the resulting harmful relationship with the form and character of the host building would be discernible in private views from the rear windows in the upper floors of a number of neighbouring properties, which is a matter of public interest.
10. Given the limited scale of the proposed development in the context of the CA as a whole, the arising harm to the significance of the CA would be less than substantial. The 2021 National Planning Policy Framework (the Framework), sets out that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. It also sets out that great weight should be given to the conservation of designated heritage assets, irrespective of whether any potential harm is less than substantial.
11. The proposal would improve the accommodation within the ground floor flat. That may be considered a modest public benefit in terms of securing the long term functioning of the property as part of the CA. Nevertheless, it is essentially a private benefit to the occupants or future occupants. Moreover, there is no evidence that continued residential use of the property would be unviable or impractical without the proposal. The public benefits are therefore afforded very little weight.
12. With the above in mind, the public benefits of the appeal scheme would not attract sufficient weight to outweigh the harm to the CA. Consequently, as well as the conflict with Policy Q11 of the LP described earlier, the proposal would conflict with Policies Q5 and Q22 of the LP. Amongst other things, these

policies seek to ensure the local distinctiveness of Lambeth is sustained and reinforced, and that developments preserve or enhance the character or appearance of CAs. The development would also conflict with the guidance in the Council's 2015 Building Alterations & Extensions Supplementary Planning Document (SPD), which sets out that extensions should be subordinate.

Protected Trees

13. In light of the completed approved works at the site, only the effect of the proposed side extension on a tree which is the subject of a Tree Preservation Order located in the rear garden of 397 Clapham Road remains relevant. However, the submitted Tree Retention & Protection Plan for a 2018 approved scheme at No 397 indicates the location of the proposed extension would fall outside the Root Protection Area (RPA) of the tree.
14. It also appears the extent of the groundworks to construct the approved rear extension at the appeal site and the adjoining hard landscaping would already have significantly interfered with any roots which may have extended beyond the identified RPA. Furthermore, as the side extension would not accommodate a habitable room, it would not pose any threat to the tree's future wellbeing through pressure to alter the height or spread of the tree. Accordingly, the proposed scheme would not have an adverse impact on protected trees and it would not conflict with Policy Q10 of the LP in this regard.

Other Matters

15. The appellant notes the approved scheme at 397 Clapham Road included significant additional massing at the rear. However, the full details of that development are not before me, and it does not justify the harm that would arise from the appeal proposal which has been considered on its own merits and with regard to its particular circumstances. Furthermore, while there were no objections from neighbours, the development falls to be considered against extant planning policy.
16. Although the proposal would provide an en-suite type facility for the appellant's family, a private benefit which is afforded some weight, it does not outweigh the great weight that the Framework specifies should be given to the conservation of designated heritage assets.
17. While the appellant has noted his willingness to accept certain changes to the proposal, that is not the scheme which is before me in the appeal, and it is apparent the set-backs of one brick suggested in the SPD specifically relate to the original outrigger.

Conclusion

18. Notwithstanding the finding on protected trees, the harm to the character and appearance of the host building and the CA are overriding considerations. The proposal would conflict with the development plan as a whole and there are no material considerations, including relevant parts of the Framework, which indicate that the decision should be made otherwise than in accordance with it. The appeal is therefore dismissed.

C J Ford

INSPECTOR