



Appeal Decisions

Site visit made on 10 May 2022

by Ms Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2022

Appeal A Ref: APP/N5660/Y/21/3277095

Flat 1, 55, Harleyford Road, London, SE11 5AX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs C Levine against the decision of London Borough of Lambeth.
 - The application Ref 21/01263/LB, dated 25 March 2021, was refused by notice dated 9 June 2021.
 - The works proposed are erection of garden room.
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Appeal B Ref: APP/N5660/W/21/3277089

Flat 1, 55, Harleyford Road, London, SE11 5AX

- 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 Mrs C Levine against the decision of London Borough of Lambeth.
 - The application Ref 21/01262/FUL, dated 23 March 2021, was refused by notice dated 9 June 2021.
 - The development proposed is erection of garden room.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The planning application was submitted retrospectively. The link between the garden room and the house has been demolished since the appeal was lodged and the detached garden room remains. However, I must determine the applications on the basis of the submitted plans which show a glazed link connecting a garden room to the house. I have therefore considered both parts of the proposal which form the proposed development as a whole.
4. As the appeal site is in a conservation area and is a listed building I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

5. The main issues are (i) The effect of the proposed development upon designated heritage assets and (ii) the effect of the proposed development upon the living conditions of the adjoining occupiers with particular regard to privacy.

Reasons

Heritage

6. The appeal site is within 43-55 Harleyford Road which is a Grade II listed terrace constructed in the early 19th century. It is built of stock brick with a slate mansard roof with dormers and a central gable. The basement and ground floor is stuccoed and the ground floor has arched front windows. The building has sash windows at the front and rear. The front doors have five panels with fluted quadrant pilaster doorways with a fanlight above and are accessed by four steps with cast iron handrails. The front boundaries to the individual properties are marked by cast iron railings with spearhead standards and pine-cone finials. The rear elevation has simple proportions. The significance of the building, in the main, is derived from its age and architectural details.
7. The proposed extension, which would comprise of a glazed link to the garden room, would have a significant depth and the garden room fills the almost the entire width of the plot. The overall extension would therefore be of considerable footprint and scale. It would interrupt the flat rear elevation of the house and spoil the building's composition, uniformity and proportion. Furthermore, it would partially cover the rear elevation of the property at ground floor level. I note the appellant's comments that the glazed structure would be light-weight but this does not mitigate the above impacts. The proposal would therefore harm the historic significance of the building. I consider that the harm to the significance of the listed building to be less than substantial and, in the language of the Framework, about half-way along the scale of less than substantial harm. Nevertheless, this harmful impact is a matter of considerable importance and weight.
8. The site is also within the Vauxhall Conservation Area which is characterised by 18th and 19th century buildings and leafy streets. Harleyford Road is a wide and busy road with a varied architectural character but its historic buildings are predominantly Regency in date and style. The listed terrace, together with the Beehive Pub and St Mark's Primary school, are a collection of buildings which together have a smart urban character. The terrace, together with the generously sized back gardens of the individual properties, make a positive contribution to the character and appearance of the conservation area. As the proposed extension would harm the significance of the terrace, it would also fail to preserve or enhance the character or appearance of the conservation area. Given that the extension would affect only a small part of the conservation area in a private space, I consider that the harm to the significance of the conservation area to be less than substantial and at the lower end along the scale of less than substantial harm.
9. I note there are other garden rooms to other properties in the terrace. However, the Council has confirmed that no dwelling in the terrace has either planning permission or Listed Building Consent for links or garden rooms.
10. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The Framework advises that less than substantial harm must be

weighed against the public benefits of the scheme. The extension would provide the dwelling with additional space, however, I have no evidence that this is necessary to secure the optimum viable use of the heritage asset. The additional space is therefore a private benefit rather than a public one. Consequently, I find that there are no public benefits which are sufficient to outweigh the less than substantial harm to both assets.

11. I conclude that the proposal would harm the significance of the listed building and the conservation area. Therefore, it would conflict with Policy Q11, Q14, Q20, Q22 of the Lambeth Local Plan 2020-2035 (LP). In combination, these policies seek to ensure good design, avoid harm to the significance of listed buildings, and to preserve or enhance the character or appearance of conservation areas.

Living Conditions

12. The Council's particular concern is in respect of potential overlooking of adjoining gardens to the side of the proposed structure. The garden room has no windows in the side elevations and the glazed link would not result in any more overlooking than the existing steps. Therefore I find no harm to the living conditions of adjoining occupiers. Consequently, there would be no conflict with LP Policy Q2 which seeks to protect privacy.

Conclusion

13. Although I find no harm to living conditions I do find harm to heritage and therefore the proposed extension would conflict with the development plan as a whole. For the above reasons, both appeals are dismissed.

Ms S Watson

INSPECTOR