



Appeal Decision

Site visit made on 8 August 2022

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th September 2022

Appeal Ref: APP/N5660/W/22/3293915

Wingate Square, Old Town, London SW4 0JQ

- 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 Bonnie McKeivitt, Chelsea Fine Foods Ltd against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 21/01946/FUL, dated 7 May 2021, was refused by notice dated 21 January 2022.
 - The development proposed is described as 'provision of outdoor seating area in Wingate Square to serve Megan's cafe & deli. The outdoor seating is positioned to the rear of Megan's cafe & deli, 55-57 Old Town, Clapham'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Two listed buildings are mentioned in the Council's report, 1 Old Town and The Lodge. The Council have confirmed that 1 Old Town was included in error and the two listed buildings relevant to this case are 1 The Polygon and The Lodge. I have therefore considered these listed buildings in my decision.

Main Issue

3. The main issue is the effect on open space provision in the locality.

Reasons

4. Wingate Square is a public area of open space surrounded by modern buildings in commercial and residential use. The square is comprised of an area of hardstanding and a raised grassed area. There are informal seating areas in the form of the concrete wall that edges the raised grassed area and protrude from it, alongside large square concrete bollards.
5. The proposal is for an area of outdoor seating to serve Megan's Café and Deli. Policy EN1 of the Lambeth Local Plan 2020-2035 (2021) seeks, amongst other things, to retain existing public or private open space. It permits a number of development exceptions, including the provision of facilities for cafes, providing certain criteria is met, including that the function and operation of the open space is not harmed.
6. The proposed layout plan shows the seating area would take up a large proportion of the triangle of hardstanding that forms half of the square itself. The remaining half of the square is laid to grass and from my site visit I saw a 'do not sit on the grass' sign. The proposal would therefore significantly reduce

the amount of usable open space, resulting in a limited area remaining in the square for people to interact. As such, it would not be of an appropriate scale and form to the size and character of this area of open space.

7. Moreover, while the informal seating areas in the square would still be usable, the majority would be in close proximity to the proposal. The proposed seating area would dominate the area of hardstanding in the square, limiting what recreational activities could reasonably take place upon it and undermining its function and operation as an area of communal public open space.
8. From my site visit I saw a number of people walking through the square but did not see any evidence of the open space being used communally. However, I note the significant number of objections from local residents, with many citing that the square is a well-used communal space and objecting to the loss of the public open space. Despite the square having no defined area for children's play, no formal seating areas and a predominance of hardstanding, it is clear that it is a valued area of open space for local residents.
9. It is noted that sufficient width to ensure the safe flow of pedestrians leading to Grafton Square could be achieved. As such, the function and usability of the square in relation to accessibility would not be affected by the proposal. However, this matter does not alter my findings.
10. While it may be that following the Coronavirus Pandemic outdoor dining is becoming more prevalent and characteristic of streets and spaces, I note that outdoor seating at the premises already has temporary permission on the footpath leading from Old Square into Wingate Square. Such provision has a lesser impact on the function and operation of Wingate Square as an area of public open space.
11. Consequently, for the reasons given above, the proposal would reduce the amount of usable open space in the locality and as such, harmfully erode its function and operation, in conflict with Policy EN1 of the Lambeth Local Plan (2021) which seeks to protect open space unless certain circumstances are met.

Other Matters

12. The site falls within the Clapham Conservation Area and nearby are two Grade II listed buildings: The Lodge and 1 The Polygon. Neither party has concerns regarding the impact of the proposal on the significance of these designated heritage assets. However, having regard to the duties imposed by the Act¹, I have assessed the proposal against these heritage assets.
13. The Clapham Conservation Area is centred on Clapham Common and has many historic buildings dating from the 18th and 19th centuries. Mid-late 19th century residential development beyond the common's edges is also deemed to be of interest. I consider that the appeal site makes a positive contribution to the conservation area, providing visual and spatial relief from the otherwise dense built form of the locality. Most public views of the proposal from Old Town would largely be obscured by the building at Nos 55-57 and I note that the tables and chairs would only be in place during opening hours. As such, the proposal would preserve the character and appearance of the conservation

¹ Sections 72(1), 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

area and avoid harm to its significance in accordance with section 72(1) of the Act.

14. The Grade II listed building known as The Lodge, and also known as The Lodge, formally Clapham Old Fire Station, was built in 1868 to a design by Edward Cressy Junior, architect for the London Fire Brigade. Whilst now a dwelling, the building's significance derives from its historic use and architectural interest. The statutory list description describes that the building is 'a substantially complete suburban fire station of 1868 a rare survival and one of the earliest purpose-built fire stations in Britain'. The setting of The Lodge includes the grassed area to the rear and side, and the relationship between it and the buildings that front onto Old Town.
15. The proposed seating area in Wingate Square would be obscured from this listed building by the existing building at Nos 55-57 Old Town. As such, the designated heritage asset is not experienced from the Square and the appeal proposal would have no effect on its setting. Consequently, the proposal would preserve The Lodge's special architectural and historic interest, in accordance with sections 16(2) and 66(1) of the Act.
16. The Grade II listed building known as 1 The Polygon is an early-mid 18th century three storey building with considerable 19th century additions. Its significance derives from its architecture and remaining historic fabric. The setting of this building comprises the streetscape within which it is located, including the nearby bus station.
17. The appeal site is physically and visually separate from this designated heritage asset and does not comprise its setting. Accordingly, the proposal would have no effect on the architectural or historic interest of 1 The Polygon and there would be no conflict with sections 16(2) or 66(1) of the Act.
18. For these reasons, I am therefore satisfied that the proposal complies with the heritage protection policies of the National Planning Policy Framework (2021).

Conclusion

19. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

F Harrison

INSPECTOR