



Appeal Decision

Site visit made on 27 January 2023

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/N5660/D/22/3308757
19 Raleigh Gardens Lambeth London SW2 1AD

- 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 Jason and Hannah Copas against the decision of The London Borough of Lambeth.
 - The application Ref:22/02483/FUL dated 11 July 2022 was refused by notice dated 23 September 2022.
 - The development proposed is replacement of the rear extension with a single storey ground floor rear infill extension.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of the rear extension with a single storey ground floor rear infill extension at 19 Raleigh Gardens Lambeth SW2 1AD in accordance with the terms of the application Ref: 22/02483/FUL dated 11 July 2022 and the plans submitted with it, subject to the following conditions:
 - 1) The works authorised by this consent 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: 101; 102; 103; 104; 105; 106.
 - 3) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

Preliminary Matters

2. The Glossary to the National Planning Policy Framework (the Framework) defines a heritage asset as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets such as listed buildings and conservation areas, and assets identified by the local planning authority (including local listing). The Council do not indicate that No.19 appears on any local list of heritage assets; it is therefore a non-listed building in the Rush Hill and Brixton Hill Conservation Area and not, in itself, a heritage asset.

3. Also, although the appeal form indicates there had been no change to the description of development, the description appearing on the Council's decision notice differs from that on the application and appeal form. However, in the interests of clarity and accuracy, I have used the Council's description.

Main Issue

4. The main issue is the effect of the proposal upon the character and appearance of the Rush Hill and Brixton Hill Conservation Area (Conservation Area) which is a designated heritage asset.

Reasons

5. Raleigh Gardens comprises a single-sided row of development facing Rush Common a significant linear open space, which, together with the well-trafficked Brixton Hill, form the spine of the Conservation Area. Designated in 1997, the Council's character assessment for the Conservation Area dates from that time, making little specific reference to Raleigh Gardens. As a pre-designation report it is plainly not intended as an exhaustive or accurate assessment¹, nevertheless it is clear that the contribution made by the appeal site and its neighbours is in terms of the overall pattern of, mainly nineteenth century, development in the area, and in the case of Raleigh Gardens, as good examples three storey terraced villas of the late Victorian period.
6. In that regard, whilst there are differences, such as bay design, the frontal presentation of the dwellings in this part of the Conservation Area is, architecturally, very consistent. At the rear, although each house may have been subject to minor incremental change such as rear dormers and small flat-roofed rear extensions as found at No.19 this consistency with the original development patterns and building form continues along the remainder of the terraced row.
7. The appeal site, 19 Raleigh Gardens (No.19) is in a largely original form with only a small rear extension². In common with neighbouring properties numbers 18,20 and 21, No.19 has a distinctive chamfered corner at the end of the outrigger not found in other neighbouring houses.
8. The Council refer both to Policy Q22 (A) of the Lambeth Local Plan 2021 (LLP) and also to the Building Alterations and Extensions Supplementary Planning Guidance 2015 (Building Alterations SPG) which seek to sustain Lambeth's distinctive townscape character, to preserve or enhance the character and appearance of Conservation Areas. In particular the Council refer to Paragraphs 3.7 and 3.11 of the latter document where two diagrams appear showing potentially acceptable infill and wrap-around extensions 'for non-heritage assets'³. The image on page 12⁴ shows what the Council consider would be acceptable ways to extend (what is referred to as) 'heritage assets such as locally listed buildings and *buildings in conservation areas*'⁵ with an explanation as to why wrap-around extensions are not supported in the latter example.

¹ For instance the report refers to different boundary options.

² at the end of the outrigger

³ At Fig 4 on page 11

⁴ Fig 5

⁵ Emphasis added

9. As my preliminary remarks indicate, whilst No.19 is not itself a heritage asset, in attending to the duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is the effect of what is proposed upon the Conservation Area as a whole which a decision-taker shall have regard, and it is to that I now turn.
10. The Council's Building Alterations SPG provides clear justification for its approach to resisting wrap-around extensions in cases where preservation of historic form is important. The guidance is indicative but based on the principles of subordination of additions to the form of the original building. I note, however, that the images appearing in guidance relate to a building of less height than No.19. The distinctive chamfered corner to the outrigger would be lost at ground level by virtue of the largely solid, parapet, form of the wrap-around extension and its complete removal internally. However this loss of a visible corner of the rear outrigger at ground level would, importantly, leave two storeys more widely visible above the flat roof extension. It would therefore be a subordinate extension.
11. The rear garden of No.19 is in a secluded part of the Conservation Area, and is not widely overlooked at the rear as is the case with some nearby properties. I also consider that infilling to the side boundary would have little impact on the adjacent dwelling. I further note that No.17 Raleigh Gardens appears to have been extended in a way similar to that here proposed without any intrusive or harmful impact upon the area. I consider, notwithstanding the flat roof and large rear window, construction of the proposed extension with materials which are consistent with those found in the host dwelling would ensure the extension is not obtrusive or be visually intrusive in the wider area.
12. The limited change in the appearance of the rear of the host dwelling in a secluded part of the Conservation Area would be insufficient to cause wider harm and the character and appearance of the Conservation Area would thereby be preserved.
13. I therefore conclude that, for the reasons given and having taken into account all matters raised that the proposal would not conflict with policies Q5, Q11 and Q22 of the LLP or with the Building Alterations SPG which, together, seek to ensure alterations and extensions protect amenity and character and appearance. There would be no conflict with the development plan taken as a whole and, in consequence, the appeal succeeds subject to the usual plans and timing conditions together with a condition to ensure the materials employed harmonise with the host building.

Andrew Boughton

INSPECTOR