



Appeal Decision

Site visit made on 22 August 2023

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2023

Appeal Ref: APP/N5660/W/23/3318537

16A Old Town, Lambeth, London SW4 0JY

- 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 Stephen Barry against the decision of the London Borough of Lambeth.
 - The application Ref 22/03085/FUL, dated 25 August 2022, was refused by notice dated 2 November 2022.
 - The development proposed is erection of a mansard roof extension with glass balustrade to the front elevation and other associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application form details a company name in respect of the applicant. However, it is clear from the evidence before me that the company name is that of the agent. I have taken the description of development from the appeal form. Although different to that on the planning application form, the evidence before me indicates a change was agreed.
3. As the proposal is in a conservation area and relates to the setting of a listed building, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. The main issue is the effect of the proposal upon the character or appearance of the Clapham Conservation Area and upon the setting of the grade II listed building at 16 Old Town.

Reasons

5. The host property (No.16A) is located within the Clapham Conservation Area (CA) and sits behind 16 Old Town (No.16), which is situated at the corner with Scout Lane. While the existing use of the site is stated as offices, it appeared to be unoccupied and undergoing refurbishment at my visit.
6. From the limited evidence before me, the significance of the CA stems from the historic common at its heart and its historic development pattern from a medieval village settlement to a late 18th century fashionable retreat and to a 19th century suburb. The built form along Old Town includes 18th and 19th century buildings, predominantly three storeys in height with fine architectural and decorative detailing.

7. No.16 is in use as offices. The listed building entry details a three-storey building with basement, circa 1800 possibly with an earlier core. Its classically styled elevated entrance is within the three-bay left return to Scout Lane. Its pitched slated roof forms feature a stone coped parapet and numerous end chimneys. Its rear elevation features a further elevated entrance/exit with classically styled features. It makes a positive contribution to the CA in terms of its siting at a prominent corner together with its architectural features and roofscape.
8. From the evidence before me, the main parties agree that the host property at No.16A is positioned within the former garden of No.16, but not within its curtilage, and I find no reason to consider otherwise. It is accessed via an opening within the former garden wall of No.16 via a pedestrian gate on Scout Lane.
9. No.16A is a mid-twentieth century two-storey building in brick with render to the ground floor. Although its flat roof is discordant to the prevailing pitched roof forms on Scout Lane and that of No.16, it is bounded by a parapet wall, which is a traditional feature within the CA. Its southern elevation is within view from Old Town due to its siting at an angle within the lane. It makes a neutral contribution to the character and appearance of the CA.
10. Importantly, the intervening distance between 16 and 16A is very small and therefore much of the rear elevation of No.16A is obscured from view when looking from Scout Lane towards Old Town and from private views from the rear of properties at neighbouring Sycamore Mews, which is a more contemporary development. Therefore, the host property already detracts from the rear setting of the listed building at No.16.
11. Scout Lane is accessed between the three storey properties at Nos.16 and 18 Old Town and is a much narrower street, accessed by foot and the surface includes stone setts. During my visit I saw that the built forms along the lane are of a much smaller scale and mass and thus it appears more utilitarian and has an ancillary relationship to the built form along Old Town. Together with the narrowness of the lane, this results in Scout Lane having the character and appearance of a back lane or mews, as the appellant suggests.
12. The height of the host building at 16A is commensurate with the ridge height of the roof of the next property at No.1 Scout Lane. However, that property has less bulk and mass due to its pitched roof, even taking account of its dormers set within the front roof slope. Both buildings can be seen within views from Old Town, due to the angled nature of the lane. From within Scout Lane, No.16 appears as an outlier in terms of the prevailing scale, form and mass of built form along Scout Lane.
13. Taking the above factors into account therefore, the stepping down of building heights behind Old Town makes an important and positive contribution to the character and appearance of the CA at this point, even though the character and appearance of the area has developed over time.
14. Due to its scale, height and siting, the proposed roof extension would result in a significant increase to the overall height and mass of the host property. Such an increase would result in the host property appearing as a dominant built form within the stepped down townscape that I have described above. Furthermore, it would result in an addition that would further obscure the rear

elevation and roofscape of the listed building at No.16, despite its proposed 2m setback from the south elevation to Scout Lane. The proposed roof extension and balustrade would appear within view from Old Town and from within Scout Lane, thus detracting from the setting of the listed building at No.16. The computer-generated image (CGI) from within Scout Lane only serves to demonstrate this.

15. The proposed roof extension would display a mansard roof form towards the north and west sides towards Sycamore Mews. Although the roofscape at Sycamore Mews includes mansard forms, the introduction of an upward addition of this scale and size would present an imposing form within the views from the rear of properties along Sycamore Mews, and it would further obscure the rear elevation and roofscape of the listed building at No.16 in this regard.
16. The proposed roof terrace would not be a common feature within the CA. Its enclosure by a glazed balustrade would not result in an appearance similar to that of a parapet, and thus it would be discordant to the characteristic roofscape and features of the CA, as demonstrated by the CGI. While the appellant is willing to remove this element of the scheme, and submits a CGI without it, there are no amended plans before me.
17. In addition, the appellant states that the proposed design in terms of fenestration and terrace balustrade could be improved. However, the Council did not reference the design of the proposal in its reasons for refusal. While the appellant suggests this matter could be addressed by a condition, I would not be content to do so given the proximity to the listed building.
18. Moreover, *Procedural Guide – Planning Appeals – England* sets out that an applicant should normally make a fresh planning application if they consider that amending the scheme would overcome the Council's reasons for refusal. Furthermore, the appeal process should not be used to evolve a scheme.
19. The limited visibility of the proposal has little bearing on my considerations, as I am duty bound to consider the character or appearance of the CA as a whole. While the appellant suggests the proposal would add further interest along Scout Lane, such discordant features would not preserve or enhance the CA or the setting of the listed building at No.16.
20. Taking all the above into account, I find that the proposal would fail to preserve the significance of the Clapham CA and it would fail to preserve the setting of the listed building at 16 Old Town.
21. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. I find the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight. Under such circumstances, the harm must be weighed against any public benefits of the proposed development.
22. The proposed development would result in some 32.14m² of additional office/employment space at the host property, which is in a suitable location for

such a use. There is no substantive evidence before me that the additional floorspace is required to meet any identified need. Even if the proposal would assist in meeting such a need, it would be small in scale and thus of limited public benefit.

23. The appellant suggests that the proposal would provide an opportunity to upgrade the thermal performance of the building, but there is no substantive evidence before me to demonstrate this. Such improvements would result in a private benefit to the owner/occupier of the building. Nevertheless, there could be a very limited wider public benefit in terms of tackling the effects of climate change.
24. Given the above, the limited nature of any public benefits would not outweigh the harm that I have found, to which I am required to attach great weight. I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the Clapham CA and the setting of the listed building at 16 Old Town. This would cause less than substantial harm to their significance as designated heritage assets. This fails to satisfy the requirements of the Act and paragraph 197 of the Framework.
25. The proposed development conflicts with Policies Q5, Q20 and Q22 of the Lambeth Local Plan 2020-2035 (2021). Taken together, these policies and guidance seek to ensure that development respects and makes a positive contribution to local distinctiveness and historic character; and that it does not harm the significance and/or settings of conservation areas and listed buildings. It conflicts with the Framework which seeks to ensure that heritage assets (including their settings) are conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Conclusion

26. For the reasons given, I conclude that the proposed development conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

J Moore

INSPECTOR