



Appeal Decision

Site visit made on 23 November 2023

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/N5660/D/23/3330647
26 Dalmore Road, London SE21 8HB

- 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 Ben Bagshawe against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 23/02080/FUL, dated 23 June 2023, was refused by notice dated 24 August 2023.
 - The development proposed is alterations to the front garden and boundary including a driveway, drop kerb and crossover.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on i) the character and appearance of the locality and ii) pedestrian safety.

Reasons

3. The appeal property is a two-storey semi-detached home built in the late 19th century. It has an attractive front elevation and detailing characteristic of the area. There is a low brick wall with brick gate piers in the run to the front door. Front gardens locally vary; some are fully given over to parking, some in part hard-surfaced for parking, and others offer full soft landscaping as a contribution to the streetscene. The area is of established residential character and the scene as a whole is visually pleasing and of heritage interest. The proposal is as described above; the parking area would be to the side of front garden away from the front door and a new pier would define the opening.

Character and appearance

4. The site lies within the Rosendale Road Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Policy Q22 in the Lambeth Local Plan (LLP) reflects this.
 5. There are an appreciable number of examples of demolition or partial demolition of front walls to create off-street parking spaces in front garden areas in the locality. However, where this has happened there is a disruption to the rhythm and an adverse alteration to the scale and degree of enclosure of the street. Additionally, hard surfaces for parking are less aesthetically beneficial than garden planting and cars in close proximity to elevations detract from their appearance in the streetscene. I do not know the planning
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background to instances where on-garden parking does take place but its unfortunate effects indicate to me that it should not be replicated or seen as some sort of benchmark or precedent. I would deem that a new hardstanding and parking arrangement at the appeal property would be harmful in visual and character terms for the host building and the wider area. The car, driveway and boundary alteration would detract from the visual, architectural and period qualities of this attractive building and the positive potential of its front garden in the immediate and wider scene. Regrettably, works which facilitate this should not be endorsed.

6. I would add that I am fully cognisant that the Appellant wishes to provide on-site charging for an electric car and all other things being equal almost all would see that as an environmental benefit. However, the question of how to deal with electric vehicle charging in areas such as this is a strategic and difficult one. It may need greater collective public or private initiatives because it is quite clear that convenience of charging and the sustainability merits attached thereto should not automatically trump other planning factors such as character and appearance and the value of heritage assets; these must form part of any sustainable development equation and planning balance. I give greatest weight to the harm to the character and appearance of the locality, whatever the propulsion system of the car to be parked in the curtilage.
7. Given the nature of the scheme I conclude that the proposal would run contrary to the aims of S72(1) of the Act and with LPP Policy Q22. It would also conflict with LLP Policies Q5, Q14 and Q15. These policies, taken together and amongst other matters, seek to: protect local distinctiveness and the historic aesthetic; retain characteristic boundary treatments; specifically restrict front garden parking to only exceptional cases; and maximise scope for beneficial landscape and biodiversity.

Pedestrian safety

8. The Council is concerned that insufficient information in respect of splays was included with the proposal in demonstrate pedestrian safety. I find the plans clear in terms of what is proposed. There would be no set-back of the wall or piers. Intended heights of structures are clearly set out. On the pedestrian safety front I am satisfied. I say this because in this situation, along this quiet road, on a reasonable width footway, with pedestrians well aware of the scope for vehicles entering and exiting front gardens and with visibility generally being readily available over the low wall in any event, I feel pedestrian safety risk would be minimal. Therefore, in terms of pedestrian safety, I conclude that there would be no conflict with any of the development plan policies cited by the Council in its Decision Notice.

Other matters

9. I confirm that policies in the National Planning Policy Framework (the Framework) have been considered. Key objectives of the Framework are to protect and enhance the qualities of the built environment as well as to safeguard heritage assets; development plan policies which I cite mirror these. The Framework underlines that great weight should be given to a heritage asset's conservation. The appeal proposal which I shall not allow would lead to less than substantial harm to the significance of the designated heritage asset however there are no public benefits which would outweigh this harm.

Furthermore, there are no other benefits, including to the Appellant, which to my mind would be of a scale to outweigh the harm to the Conservation Area.

10. I say this having regard within the planning balance to the Appellant's range of points. These include the electric vehicle charging issue which I deal with above. I also note the intentions for new planting, biodiversity, permeable surfacing, careful selection of materials, and the fact that the crossover has its own approval. I understand the argument about numerically a space not being lost but on street parking does give scope for use by others whereas in-garden does not; in an area of parking stress that adds to my concerns. I do appreciate there are a number of examples nearby which the Appellant understandably identifies but as I say above to my mind these only serve to highlight the harm that this type of development brings to the Conservation Area. In any event I have to assess this case on its individual merits.
11. I have carefully considered all the points raised by the Appellant. However, these matters do not outweigh the concerns which I have in relation to one of the main issues identified above.

Overall conclusion

12. For the reasons given above I conclude that whilst the appeal proposal would not unduly harm pedestrian safety it would have unacceptable adverse effects on the character and appearance of the locality. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR