



Appeal Decision

Site visit made on 11 December 2023

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 January 2024

Appeal Ref: APP/N5660/W/23/3323828

Perky Nel, 7-8 Cavendish Parade, Clapham Common South Side, Lambeth, London SW4 9DW

- 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 Sarah Wall, Livelyhood Venues Ltd against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 23/00097/FUL, dated 12 January 2023, was refused by notice dated 9 March 2023.
 - The development proposed is alterations to existing outdoor customer terrace with insertion of new covered pergola.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.
3. The appeal site is situated within the Clapham Conservation Area (the CA) and therefore in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host property and whether it would preserve or enhance the character or appearance of the CA.

Reasons

5. The appeal relates to the Perky Nel Public House at No. 7-8 Cavendish Parade. This property is situated at the end of a grand, three-storey Edwardian terrace shopping parade within the CA. The row consists of active commercial uses at ground floor level, predominantly eating and drinking establishments, the majority of which have an outdoor seating area / forecourt directly to the front.
6. The CA is large in size and in my view its significance derives from the vast area of urban open space that is Clapham Common, which is situated at the

heart of the CA, and the surrounding mix of buildings which date predominantly from the 18th, 19th and 20th centuries. The built form close to the appeal site includes mainly three-storey buildings with fine architectural and decorative detailing. The appeal property itself is situated in a prominent location within the CA, occupying a corner position in a shopping parade which directly faces towards Clapham Common.

7. The property currently has an attractive timber framed glazed shop front at ground floor level, and being at the end of the row this shop front extends around the side elevation of the building. Above the commercial frontage the property has a red brick finish with elegant stone dressings. The roof includes gabled dormers and a corner turret which is replicated at the opposite end of the row. These turrets are a distinctive and attractive features which act as bookends. The architectural design and quality of appeal property, and the row in general, makes a positive contribution to the character and appearance of the CA.
8. The majority of ground floor commercial properties in this row currently have outdoor seating areas to the front. At the time of my site visit, the outdoor area for the appeal property consisted of a large canopy covering the tables and chairs, and a metal clad wall with plants separating this seating area from the public footway. Above the shop front were two retractable awnings.
9. This enclosed external seating area to the front of the property, and the associated paraphernalia, results in a somewhat cluttered appearance which detracts from the character and appearance of the property. Furthermore, the variety of different styles of enclosures and associated items at neighbouring properties only adds to the visual harm these external areas currently have upon this attractive row of properties, as well as the street scene in general.
10. The proposed covered pergola, by reason of its siting, size and design, would appear as a dominant and incongruous feature that is unsympathetic to the defining characteristics of the appeal property. It would also conceal views of the building and add to the harmful visual clutter on the forecourt, to the visual detriment of the appeal property and the CA in general.
11. I acknowledge that there is already clutter to the front of the appeal property, including the existing canopy that is to be removed. However, I do not know how long this canopy, and related paraphernalia, has been present or in what circumstances it was installed. Nevertheless, I consider the proposed covered timber pergola to be a more permanent and substantial structure, and this would make it more harmful, in comparison to the canopy it would replace.
12. I note the appellant's comments that the pergola would be set away from the existing shop front and that it would have an unobstructed nature. However, the submitted plans show that even being set away from the shop front the top section of the timber pergola, and the supporting columns, would harmfully obstruct views of the appeal property from the street.
13. I observed the existing structures and paraphernalia to the front of other properties in this row. However, I have not been provided with any specific details of the history of these neighbouring structures and therefore am not aware of their current planning status. Nevertheless, the existing structures to the front of the appeal property, and other properties in this row, demonstrates

the harmful visual impacts these developments have upon this attractive parade of properties, the wider street scene and the CA in general.

14. In view of the above, the proposed development would have a negative impact on the character and appearance of the appeal property and would harm the significance of the CA. Therefore, the proposal would fail to preserve the character or appearance of the CA. Paragraph 205 of the Framework explains that when considering the impact of a proposal on the significance of a designated heritage asset great weight should be given to the asset's conservation, irrespective of the level of potential harm. Where, as in this case, the harm to the asset would be less than substantial, Framework paragraph 208 states that the harm should be weighed against the public benefits.
15. The appellant states that the proposal would provide additional outdoor space, sheltered from the inclement weather, and that the importance of outdoor seating areas in hospitality venues has increased as a result of heightened customer awareness of the spread of airborne illnesses. Furthermore, the appellant states that the proposal will ensure the economic viability of the public house and be of economic benefit to the local area.
16. I have not been provided with details of any alternative options which were considered for the provision of covered outdoor seating. Even if the principle were deemed to be acceptable, it has not been demonstrated that the proposal before me is the most sympathetic design solution. Moreover, I have not been provided with any substantive evidence in respect of the impacts of the proposal on the financial viability of the public house or the wider economic benefits of the appeal scheme.
17. The appellant has also suggested that the appeal proposal would reduce noise and disturbance. No noise-related evidence has been provided to substantiate this claim, nor have I been made aware of any existing noise issues arising from the present arrangement. As such, the public benefits arising from the appeal proposal would not outweigh the less than substantial harm to the significance of the heritage asset, and thus the proposal would conflict with the Framework.
18. Accordingly, I conclude that the proposal would have a harmful impact upon the appeal property and would fail to preserve or enhance the character and appearance of the CA. It would therefore conflict with Policies Q2, Q5, Q8, Q11, Q16 and Q22 of the Lambeth Local Plan 2020 - 2035. These policies together seek to ensure, amongst other things, that proposals respond to positive aspects of the locality and historic character in terms of patterns of space, townscape character, built form, siting, layout, and relationship with other buildings and spaces; do not unacceptably compromise visual amenity from the public realm; are visually attractive; do not unacceptably dominate the host building; protect the open, uncluttered character of commercial forecourts, with boundary treatments, enclosures and shelters resisted where their impact is considered harmful; and preserve or enhance the character or appearance of conservation areas.

Other Matters

19. The appellant has expressed the view that the Council is operating a "no development policy" in this row. However, I have no substantive evidence of this and given I have ultimately found in the Council's favour in terms of the

harms arising from the appeal proposal, I do not consider the decision to refuse the planning application to be unreasonable.

20. I note the comments in the Council's submissions in respect of the preference for the proposed new entrance door on the chamfered corner of the appeal property to be a single door, as opposed to the double doors shown on the submitted plan. However, this matter is not included in the reason for refusal and could be dealt with by a planning condition should the appeal have been allowed. Nevertheless, given that I am dismissing the appeal I have not considered this matter further.

Conclusion

21. For the reasons given, the proposed development does not accord with the development plan when taken as a whole and there are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. The appeal is therefore dismissed.

R Major

INSPECTOR