



Appeal Decisions

Site visit made on 14 February 2024

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2024

Appeal A Ref: APP/N5660/W/23/3327128

56 Stockwell Park Road, Lambeth, London SW9 0DA

- 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 Diarmid Ogilvy against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 22/04461/FUL, dated 15 December 2022, was refused by notice dated 9 February 2023.
 - The development proposed is replacement of existing side extension with a new enlarged extension. Replacement of existing rear extension with a new enlarged extension. External alterations including lowering the cill of the first floor window to the rear closet wing and replacement of concrete entrance steps with York stone (to match original) and replacement of plastic drainage pipes with cast-iron pipes. Internal alterations including re-instating lost original architectural detailing.
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Appeal B Ref: APP/N5660/Y/23/3327129

56 Stockwell Park Road, Lambeth, London SW9 0DA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Diarmid Ogilvy against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 22/04462/LB, dated 15 December 2022, was refused by notice dated 9 February 2023.
 - The works proposed are replacement of existing side extension with a new enlarged extension. Replacement of existing rear extension with a new enlarged extension. External alterations including lowering the cill of the first floor window to the rear closet wing and replacement of concrete entrance steps with York stone (to match original) and replacement of plastic drainage pipes with cast-iron pipes. Internal alterations including re-instating lost original architectural detailing.
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Appeal A: Decision

1. The appeal is dismissed.

Appeal B: Decision

2. The appeal is dismissed.

Preliminary Matters

3. As set out above there are two appeals on this site. Appeal A concerns the refusal of planning permission and Appeal B concerns the refusal of listed building consent, although in both cases, the appeal site and the proposals are the same. I have considered each proposal on its individual merits and with regard to the relevant legislation, policy and guidance. However, to avoid

duplication I have dealt with the two schemes together, except where otherwise indicated.

4. As the proposal is in a conservation area, and relates to a listed building, I have had regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. The description of the proposals on the application forms contains some unnecessary and subjective words. I have, therefore, used the description of the proposals used by the Council in refusing planning permission/listed building consent, which is the same as the appellant has used on the appeal form.

Main Issues

6. The main issues for Appeal A and Appeal B are whether the proposals would:
 - preserve a Grade II listed building; and,
 - preserve or enhance the character or appearance of the Stockwell Park Conservation Area.

Reasons

7. 56 Stockwell Park Road is a Grade II listed building¹, described as a mid-19th century villa. The front garden is separated from the street by vertical wrought iron railings with a central gateway, leading to an upper ground floor panelled entrance door, with stuccoed porchway.
8. It is constructed of stock bricks and has three storeys with basement. It has a hipped slate roof, with chimney stacks on either side. There are sliding sash windows of various sizes at the front of the building, with decorative ironwork at ground and basement level and moulded architraves and console bracketed cornices at upper ground level.
9. There is considerable symmetry to the front elevation of the building, and to this part of the street. Together with 54 Stockwell Park Road, also a Grade II listed 19th century villa of a similar design and appearance, No 56 frames the Grade II listed Church of St Michael.
10. The rear elevation is much less symmetrical than the front. The rear and sides of the building are also less visually prominent, and a number of alterations have been made to them since the original construction. These include extending the historic, two-storey, off-centre rear return upwards, including with a half dormer window through the eaves; adding a brick and glazed conservatory the width of the historic rear return; and a brick side extension on the central to rear part of the northern elevation, with a plastic roof. The rear garden is bounded by brick walls with the next door Church of St. Michael visually enclosing the northern side.
11. Parts of the interior of the building have also been altered over time, although in the upper ground floor rooms, much of the historical detailing remains intact and the original floorplan layout is recognisable throughout.

¹ List Entry Number: 1099913

12. In my view, the significance of this designated heritage asset, insofar as it relates to these appeals, stems from its original design and materials, its continuing use as a dwellinghouse and its historical development alongside other listed buildings nearby.
13. The appeal building has a prominent position within the Stockwell Park Conservation Area (SPCA), which is characterised by 19th century housing of various types and sizes, generally located within mature gardens.
14. Insofar as it relates to these appeals, the significance of the SPCA stems from its historical development in the early-to-mid 19th century, including the buildings, gardens and street layout.

Side/rear extension

15. The appeal proposal would entail the removal of the side extension on the northern side of the appeal building, the ground floor of the rear return, the attached late 20th century conservatory, and parts of the brick walls to the northern and southern boundaries. The ground levels to the side and rear would be lowered; an enlarged rear opening would be created onto the main stairwell; the external rear basement door would be removed and on the other side of the building the rear window would also be removed and a larger access opening created. The loss of historic parts of the property at the rear, including the rear return, the window and associated brickwork/stonework and the brickwork by the stairwell would detract from its significance, causing less than substantial harm.
16. The lowered ground level would provide a flat internal floor for a single-storey, flat-roofed, wrap-around brick extension across the full width of the rear garden, albeit with a small set back by the southern boundary and a larger set-back leading to a door on the northern side. The additional space would be used for an open plan kitchen/dining room, separated from the new side entrance corridor by a sliding timber door.
17. The footprint of the building would be significantly increased, with the rear part of the extension projecting almost 4.5 metres from the main rear elevation of the building, some 1.5 metres beyond the rear return, and a similar distance to the existing rear conservatory. Despite the metrics provided by the appellant, I do not consider the scale and massing of the side/rear extension would be visually subordinate to the building.
18. The roof of the side/rear extension would be some 2.85 metres in height, including a small soldier-course parapet, and would contain a skylight at the side and two large skylights at the rear. The height of the roof would be just below the eaves of the rear upper ground floor windows and lower than the maximum height of the existing conservatory roof.
19. The maximum height of the side part of the proposed extension would be slightly less than the maximum height of the existing side extension. However, whilst still setback from the front elevation, it would project further forward than the existing side extension, past the visible shape of the chimney and would be more visually obtrusive. It would also project further to the rear, joining with the rear part of the extension in a wrap-around design, which would be out-of-keeping with the historic architectural form of the building.

20. The rear elevation of the proposed extension would contain three arched French Doorways, with bronze-framed doors, and two bronze-framed casement windows with brick arch details above, between them. The design and materials of these elements would be incongruous on the building, which contains no original arched or metal-framed windows or doors, and I do not consider the appellant's comments regarding contextual design to be compelling.
21. The proposed timber panelled door on the rear elevation of the extension, by the northern boundary of the site, would be similar to the door at the rear of the existing side extension, and would have a neutral effect on the significance of the building.
22. The proposed works are said to improve the thermal performance of the building, although no substantive evidence has been provided regarding what the improvements would be. In any event, I do not consider the appeal proposal to be the only way in which improved thermal performance could be achieved.
23. Overall, the position, design, scale and massing of the wrap-around side/rear extension would be disproportionate and visually obtrusive and would detract from the significance of the listed building, causing less than substantial harm.

Further external works

24. On the rear return, the timber sash window between upper ground floor and first floor level would be removed and the stone cill lowered, with the consequent loss of brickwork. A vertically larger timber sliding sash window would be inserted in its place.
25. The loss of the window and the altered dimensions of the opening, which form part of the historic two-storey return and contribute towards the significance of the listed building, would cause less than substantial harm. With reference to paragraph 206 of the National Planning Policy Framework December 2023 (the Framework), I do not consider the appellant has justified this harm.
26. At the front of the building, and shown on the basement floor plan only, a new window is proposed beneath the entrance steps to serve an ensuite for a guest bedroom. The width of the window would be some 0.49 metres, but it is not shown on an elevation drawing and so it is not clear what its height would be, and at what height it would be positioned on the steps.
27. The area beneath the steps was originally used as a coal store, and there is some evidence of a small, blocked-up airbrick on the elevation where the window is proposed. However, from the submitted drawings, I am not satisfied that the installation of a window of 0.49 metres width and unknown height at this location would not detract from the significance of the listed building, causing less than substantial harm.
28. The appellant proposes to replace the concrete entrance steps with York stone steps to match the original, to replace the plastic drainage pipes with cast-iron drainage pipes, and to remove various other 'unused' plastic drainage pipes from the historic return. These measures would be in-keeping with the original building and would contribute positively towards its significance.
29. Associated with changes in external levels at the side and the rear, new steps and a stone terrace at the rear are proposed. These are consistent with the

residential use of the property and would preserve the setting of the listed building and its significance in this regard.

Internal works

30. Various works are proposed to the interior of the building, including replacing the two late 19th century fireplaces at upper ground floor level with fireplaces commensurate with the original construction of the building; replacing the turned spindles on the staircase with square ones, as would have existed originally; at first floor level, replacing polystyrene cornices with appropriate plaster cornices; removing the airing cupboard subdivision in the bathroom, which would become part of a fitted wardrobe with the door onto the landing fixed shut; and, revealing the chimney breast in the southern front bedroom and providing a fitted wardrobe in the recess.
31. No substantive details of the replacement features are provided and would be needed to ensure harm to the significance of the building was avoided. However, these matters could be addressed by suitably worded conditions were the appeal to be allowed, and I agree with the parties that revealing, restoring or re-providing more appropriate architectural features would contribute towards the significance of the building.
32. The appellant proposes to form three new doorways within the main building: two at first floor level to an ensuite for the main bedroom and to provide an additional entrance to the family bathroom from the other front bedroom; and, one at basement level from the second guest bedroom to an ensuite and separate plant room beneath the main entrance steps. Furthermore, the existing doorway to the kitchen (which would become a TV room) would be widened and fitted with sliding doors.
33. The creation of ensuite bathrooms would necessitate the creation of additional doorways to provide access. However, the need for an additional doorway to the family bathroom, which already contains a doorway to the landing, or for a wider doorway to the TV room, which would have a double doorway to the proposed extension, is unclear. Whilst preferable to the appellant, I do not consider the harm that would be caused by these works to be justified.
34. No substantive details of the proposed doors/doorways are provided but I am satisfied the creation of new internal openings within the main building, and the consequent loss of some of the historic fabric, would detract from the internal layout of the building. Several existing internal room doors would also be fixed closed to facilitate the proposed uses of different rooms which would also disrupt the internal layout, albeit to a lesser extent than the creation of new openings. In my view this would cause less than substantial harm to the building's significance.

Overall assessment

35. The less than substantial harm to the significance of the building that I have identified, specifically the loss of parts of the historic fabric of the building, changes to the internal layout and the provision of a substantial wrap around side/rear extension is considerable. The various 'restorative' measures, proposed by the appellant and referenced above, would be public benefits that contribute to the building's significance. I also note the economic, environmental and social benefits arising from the proposed works. However,

the benefits would be relatively minor in scope. No substantive evidence has been provided that the building cannot function as a dwellinghouse at present.

36. The appeal building makes a positive contribution to the visual and historic significance of the SPCA and the less than substantial harm I have identified would detract from this. Consequently, this would cause less than substantial harm to the SPCA.
37. I have considered these proposals in the round and they would cause less than substantial harm to the significance of both the listed building and the SPCA. This harm would not be outweighed by public benefits.
38. For these reasons, the proposal would not preserve a Grade II listed building and would detract from the character and appearance of the SPCA. It would, insofar as relevant, conflict with Policies Q5 (local distinctiveness), Q11 (building alterations and extensions), Q20 (statutory listed buildings) and Q22 (conservation areas) of the Lambeth Local Plan 2020-2035; with Policies D4 (delivering good design) and HC1 (heritage conservation and growth) of the London Plan 2021; with the Building Alterations and Extensions Supplementary Planning Document 2015; and, with the Framework, in this regard.

Other Matters

39. There were three reasons for the refusal of planning permission on the Council's decision notice, the third of which concerned the proposed removal of a protected tree. Two trees were to be removed as part of this proposal, a mature Acer by the southern boundary of the rear garden; and, a more recent pleached Hornbeam by the northern boundary of the rear garden.
40. The appellant has provided evidence that the Council granted permission² for both of these trees to be removed, subject to a number of requirements. Consequently, as these trees may now lawfully be felled, there is no need for me to consider this matter further.

Conclusion

41. For the reasons given above, I conclude that Appeal A and Appeal B are dismissed.

Andrew Parkin
INSPECTOR

² LPA Ref. 23/01399/TCA