



Appeal Decisions

Site visit made on 20 December 2023

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th April 2024

Appeal A Ref: APP/N5660/W/23/3325687

29 Roupell Street, Lambeth, London SE1 8TB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Jermaine Pryce against the decision of London Borough of Lambeth.
 - The application Ref is 23/00478/FUL dated 14 February 2023, was refused by notice dated 3 May 2023.
 - The development proposed is Removal of existing gate and replacement with solid timber double gates within enlarged opening.
-

Appeal B Ref: APP/N5660/Y/23/3325689

29 Roupell Street, Lambeth, London SE1 8TB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Jermaine Pryce against the decision of London Borough of Lambeth.
 - The application Ref is 23/00479/LB dated 14 February 2023, was refused by notice dated 3 May 2023.
 - The works proposed are Removal of existing gate and replacement with solid timber double gates within enlarged opening.
-

Decision

1. Appeal A is dismissed. Appeal B is dismissed.

Preliminary and Procedural Matters

2. These decisions address both planning and listed building consent appeals for the same site and same scheme. Although the remit of both regimes is different, in order to reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision.
3. A further linked appeal for planning permission and listed building consent has been submitted by the appellant for the 'Removal of existing sash window and cill down to floor' and is determined under separate cover.¹
4. The National Planning Policy Framework (the Framework) has been updated on 19 December 2023, and after the submission of the appeals. The historic environment policies have remained unchanged within the updated version of the Framework which is a material consideration.

¹ Appeals references APP/N5660/W/23/3325690 & APP/N5660/23/3325693

Main Issues – both appeals

5. The main issues are the effect of the proposal on the special interest of the Grade II listed building or any features of special architectural or historic interest that it possesses, and whether the proposal would preserve or enhance the character or appearance of Roupell Street Conservation Area (CA).

Significance

6. The appeal property is group listed as part of numbers 26-42 Roupell Street and is situated on its south side. The heritage asset as a group is significant for its architectural and historic interest, built as a two-sided terrace in the early mid-19th Century. The group shares homogeneity and significant traditional characteristics with the use of high-quality materials. The group as a heritage asset remains as an 'intact survivor' of early 19th Century houses, according to the Roupell Street Conservation Area Statement 2007. Rear elevations share the same build rhythm, and their gardens are regimented and typically enclosed by high garden walls of stock brick of a uniform height all aligning with each other. They are originally built with a single timber panel boarded pedestrian gate within the boundary wall leading to Brad Street, with low segmental heads.
7. The appeal property forms part of the Roupell Street Conservation Area. From my observations at the site visit and the details available to me, including the Roupell Conservation Area Statement 2007 (the CA Statement), I consider that the significance of the CA is mainly derived from its narrow and formal streets laid out with good quality robust 19th century terraced houses with significant uniformity and regularity to their appearance of predominantly two storeys with striking butterfly roofs. The rear gardens are enclosed by high brick walls and share a specific and simple cohesiveness despite evidence of later enlarged openings. Nevertheless, there remains continuity to the streetscape. The front and rear elevations of the appeal property make an important contribution to these elements of CA significance.

The effect of the proposal

8. The works and development before me involve the removal of the single pedestrian gate and all of the rear wall and replacement with an enlarged aperture of a single pedestrian gate combining a wider vehicular opening and single brick lintel above.
9. The appeal property appears to have an original doorway bearing a pedestrian gate that opens onto Brad Street. It is characteristically narrow, low in height with attractive curved gaged brickwork over and the yard timber panel door. It retains the characteristics of a traditional gate with metal hardware of sliding bolt, hinges and gate latch and appears in an overall good standard of condition. I agree with the appellant's findings within their *An Archaeological Interpretation Study of Gate*, that the gate is of 'considerable age'. Although the existing gate has been heavily painted with evidence of deterioration to its appearance, it remains a reasonably solid and rudimentary piece of joinery. It contributes positively to the special interest and significance of the listed building and group.
10. It is apparent that there have been modifications made to the original walls of the terrace and to other rear boundaries along the back lane including changes

to allow access for vehicles. Despite evidence of alterations, there remains a strong historical understanding of an authentic back-lane environment typical of the mid 19th Century. The complete demolition of the boundary wall to be replaced in its entirety by a modern opening the full width of the boundary wall would disturb the characteristically unbroken wall with its single pedestrian gate. In addition, a significant amount of good quality historic fabric would be lost. The proposed use of hardwood timber gates with metal hardware would not compensate for the adverse change to this traditional elevation, identified as making a contribution to the special interest of the heritage asset.

11. I therefore conclude that the proposal would have a harmful erosive effect on the special interest and significance of the appeal property that is a listed building. Furthermore, the works and development would therefore fail to preserve the special interest of the group value as a whole.
12. Turning to the effects of the proposal on the wider CA, the CA Statement acknowledges that historic doorways, gates and enclosures have an effect on the local distinctiveness and contribute positively to the special character of the CA. The houses along Roupell Street were built according to the CA Statement, for the artisan community of a low social status of the early 19th century with historical openings resonating with the modest characteristics of the local area. The CA statement also makes clear that new boundary enclosures and gates should be in harmony with neighbouring properties. Whilst other local streets brought to my attention by the appellant have some variation to the rear boundary openings and these may have occurred after the designation of the CA, nevertheless, despite the appellant's presented view on non-original openings and number being in existence, there is no evidence presented to indicate they occurred after the CA Statement was introduced by the Council.
13. Despite the modifications visible to boundary enclosures along the back lane of Brad Street, it nevertheless retains positive historic character that should be reinforced. Therefore, the additional loss of historic material by way of the proposal before me would contribute adversely to the traditional characteristics of the CA. On this basis, the proposal would not preserve or enhance the character or appearance of the CA but contribute to adverse degradation upon the CA as a whole. The expectations of the Act would not be met in this regard.
14. Paragraph 205 of the National Planning Policy Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, Paragraph 208 of the Framework requires the less than substantial harm be weighed against the public benefits of the proposal, including where appropriate, securing the optimum viable use. Bearing in mind the scale and nature of the proposals, I judge that the degree of the harm to the significance of the listed building be less than substantial.
15. Considering the benefits of the proposal, it would allow the appellant to provide rear vehicular access to the back garden and install an electric charging point to charge electric vehicles. This alone as a public benefit would not be sufficient to override the harm to the heritage asset I have identified. The property was

vacant and undergoing renovation at the time of my visit although there is no evidence presented to indicate it was not already in its optimum viable use. There is nothing before me to suggest that by not permitting this proposal would compromise its optimum viable use.

16. Therefore, to conclude, I have found that the works and development would cause harm to the significance of the heritage asset and harm to the group asset as a whole and would not preserve or enhance the character or appearance of the CA. On this basis it would not comply with the heritage protection aims of Policy Q20 and Q22 of Lambeth Local Plan 2020-2035 (2021), as well as the same objectives of the Framework.

Other Matters

17. The statutory listing description is a means to identify the listed building and does not specify all the features that contribute to the historic interest of the heritage asset.

Conclusion – both appeals

18. Therefore, to conclude, both appeals A and B are dismissed.

Alison Scott

INSPECTOR