



Appeal Decision

Site visit made on 15 April 2024

by **E Catcheside BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd May 2024

Appeal Ref: APP/N5660/W/23/3332164

3 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 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr K Vata against the decision of Council of the London Borough of Lambeth.
 - The application Ref is 23/01481/FUL.
 - The development proposed is replacement of an existing projecting awning with a new lightweight metal structure supporting a retractable electronically operated PVC canopy incorporating LED lights.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states that the development commenced and was completed on 1 June 2022. On my site visit, I observed a metal structure has been erected at the site. However, the metal structure I observed is wider than the structure shown on the submitted plans for the appeal development. I have therefore determined the appeal based on the development shown on the submitted plans, rather than the existing development at the site.
3. Since the application was determined, the Council has adopted the Lambeth Design Guide Part 4: Building Alterations, Extensions and Retrofit (August 2023) (Design Guide) which replaced the Building Alterations and Extensions Supplementary Planning Document (2015). I have taken the Design Guide into account in my consideration of the appeal. The appellant has had the opportunity to make comments in respect of the implications of the adoption of the Design Guide as part of the appeal process. Therefore, I am satisfied that no prejudice is caused by my approach.
4. The National Planning Policy Framework (the Framework) was revised in December 2023. As the revisions do not affect the main issue 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.

Main Issue

5. The main issue is whether the development preserves or enhances the character or appearance of the Clapham Conservation Area (CA).

Reasons

6. The appeal site forms part of a parade of ground floor restaurants, cafes and other commercial premises within the CA. The CA covers a large part of Clapham Common opposite the appeal site, as well as surrounding streets. The significance of the CA is derived, in part, from the evolution of the townscape and its buildings which have developed around Clapham Common. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be paid to the desirability of preserving or enhancing the character or appearance of the CA.
7. The host building is not listed but it makes a positive contribution to the significance of the CA, due to its position within a distinctive terrace on a prominent street facing Clapham Common. The terrace has an attractive appearance, derived in part from its materials and architectural features, which include red-brick walls with decorative stone features above shopfronts, and prominent polygonal towers.
8. Many of the buildings within the parade have outdoor seating areas on the main street frontage which are enclosed by a variety of structures and retractable canopies. The lack of cohesion in the design of the enclosures creates a cluttered appearance, which detracts from the otherwise open and leafy character of the locality and the CA.
9. The proposed development would be a substantial structure that, at over two metres high and occupying most of the width of the shopfront, would conceal a large part of the ground floor front elevation of the host building. Indeed, on occasions when the proposed canopy would be fully extended, views of the shopfront would be precluded. Consequently, the proposed development would lack subservience to the host property. It would also compromise views of the wider terrace, which has architectural value that contributes positively to the significance of the CA. In that regard, the proposed development would not accord with the Design Guide, insofar as it expects front extensions on commercial premises with forecourts to comply with development plan policy by positively responding to the original architecture of the host building.
10. Moreover, whilst the proposed canopy would be retractable, the aluminium frame would be a fixed structure and a permanent feature in the street scene. Notwithstanding that it would have open sections, the frame would have a blocky appearance due to its thickness, solid material, and dark colour. Therefore, when combined with its height and width, the proposed development would be an incongruent feature that contributes to the cluttered appearance along this part of Cavendish Parade. Due to its scale and appearance, it would be unduly prominent when viewed from the public realm, including from Clapham Common on the other side of the street.
11. Overall, the development would disrupt the intervisibility between Clapham Common and the host building and would detract from the open character of the forecourt and surrounding area. Consequently, it would neither preserve nor enhance the character or appearance of the CA and would cause less than substantial harm to its significance.
12. I have had regard to other canopies and enclosures on neighbouring properties, including the canopy at 6 Cavendish Parade. However, from the evidence before me, I cannot be certain as to the lawfulness of these other

developments. Moreover, I have taken account of other enclosures and canopies in my consideration of the appeal insofar as they form part of the character and appearance of the area.

13. I attach great weight to the conservation of the CA and consider the harm to its significance to carry considerable weight and importance in my decision. Paragraph 208 of the Framework specifies that where a development would lead to less than substantial harm to a designated heritage asset, that harm should be weighed against its public benefits including, where appropriate, securing its optimum viable use.
14. The proposed development would facilitate weather-protected outdoor seating for an existing commercial premises. Therefore, it would improve the leisure and dining experience for local residents and visitors, particularly during poor weather. These social benefits are also public benefits. However, the benefit arising from alterations to a single commercial property would be modest and, therefore, they carry limited weight. Consequently, the public benefits are not sufficient to outweigh the great weight that the conservation of a designated heritage asset carries.
15. I conclude that the proposed development would not preserve or enhance the character or appearance of the Clapham CA. Therefore, there would be conflict with Policy Q22 of the Lambeth Local Plan 2020-2034 Adopted September 2011 (LP), insofar as it expects development proposals to preserve or enhance the character of a CA. There would also be conflict with Policy Q16 of the LP insofar as it seeks to protect the open, uncluttered character of commercial forecourts and resists enclosures where their impact is considered harmful.
16. Further conflict would arise with Policies Q5 and Q11 of the LP which, taken together and amongst other things, expect development to respect the historic character of the area and the original architecture of host buildings. Furthermore, there would be conflict with Policy Q2 of the LP insofar as it expects development to ensure visual amenity and the public realm are not unacceptably compromised.

Conclusion

17. The proposal conflicts with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

E Catcheside

INSPECTOR