



Appeal Decision

Site visit made on 20 May 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th June 2024

Appeal Ref: APP/N5660/W/23/3331945

2 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 Rahim Manji of Manji Housing Ltd against the decision of the Council of the London Borough of Lambeth.
 - The application reference is 22/03997/FUL.
 - The development proposed is outdoor seating area with balustrades, installation of new shopfront and retractable awning.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has not raised a concern about the outdoor seating area and surrounding balustrades and considers that further details of the retractable awning could be secured by planning condition to ensure that it would be incorporated into the shopfront. From the submitted evidence and my site visit observations, I see no reason to take a different view. The Council's reason for refusal and submitted evidence relates to the shopfront, which has been installed. Consequently, this is the focus of my assessment.

Main Issue

3. The main issue is the effect of the development on the character or appearance of the Clapham Conservation Area.

Reasons

4. The appeal property forms part of an Edwardian terrace that faces onto Clapham Common. It is within the Clapham Conservation Area (the Conservation Area).
5. From the evidence before me and my site visit observations, the significance of the Conservation Area, in part, derives from the sense of openness provided by Clapham Common, the architectural and historic interest of the townscape on its fringes and the evidence this provides of the architectural style and building techniques of the time. The appeal property and the terrace it sits within are part of the built form on the fringe of the Common and add positively to an understanding of the Conservation Area in terms of age, materials, and architectural detailing.

6. The upper floors of the terrace, which are typically in residential use, are generally free from significant alterations. There is an appreciable diversity in the nature of the frontages to the ground floor commercial units of the terrace, and the next terrace block further along Cavendish Parade, with some better reflecting the historic context than others. There are some shopfronts with large areas of glazing but there are also ones with traditional features such as stallrisers, transom lights and mullions which are complemented by more modern designs that include traditional features also. These positively contribute to the architectural significance of the Conservation Area.
7. The modern shopfront that has been installed does have a stallriser, but it has a very modest depth. It has a vertical emphasis comprising glazing broken by vertical bars. The sliding doors, while not bi-fold in character, nevertheless add to the lack of traditional features and proportion in the shopfront's design and its uncomfortable relationship with the remainder of the building.
8. As a result, the development detracts from the character and appearance of the host building, terrace, and the Conservation Area. Consequently, I conclude that the proposal would not preserve or enhance the character or appearance of the Conservation Area and its architectural significance.
9. I have taken into account the other shopfronts which the appellant argues are similar in character and appearance to the appeal proposal at 3, 4, 5 and 6 Cavendish Parade. However, from the submitted photographs and what I could observe at my site visit, the shopfronts on at least some of these other properties are more architecturally detailed and articulated. For example, some retain a stallriser, have more traditionally proportioned doorways and/or include some traditional features such as transom lights.
10. The appellant has also highlighted the shopfront at 1 Cavendish Parade which was granted permission by the Council and which I observed at my site visit. Based on the evidence before me, in that case, the Council considered that the proposal would be a vast improvement on the shopfront being replaced and would improve the character and appearance of the host building and the wider Conservation Area. However, in this appeal proposal, before the works subject of this appeal were undertaken, I understand from the submitted evidence that while the unit had a relatively modern ground floor frontage, it maintained traditional proportions with a single entrance door and stallrisers to the shop windows. I am not therefore persuaded that the development at no. 1 is directly analogous to the appeal scheme, which I have in any event evaluated on its own planning merits. Additionally, the fact that similar developments may have been permitted is not a reason, on its own, to allow harmful development.
11. The harm caused by the development to the significance of the Conservation Area as a whole is less than substantial. Less than substantial harm does not equate to a less than substantial planning objection, especially where national policy expectations for conserving such assets have not been met. In line with paragraph 208 of the 2023 National Planning Policy Framework, the harm should be weighed against the public benefits of the development.
12. I attach considerable importance and weight to the harm caused to the Conservation Area. On the other side of the balance, while the appellant has not identified any specific public benefits, there will have been some construction employment. However, I find that the public benefits in this case

are not sufficient to outweigh the harm that is caused to the Conservation Area. They do not represent clear and convincing justification for harm to or loss of significance of the designated heritage asset, as required by paragraph 206 of the Framework.

13. The development is therefore contrary to Policies Q2, Q5, Q11, Q16 and Q22 of the 2021 adopted Lambeth Local Plan 2020 – 2035 (the Local Plan). Amongst other considerations, these policies require shopfronts to integrate well into the host building; and support development proposals where the visual amenity from adjoining sites and the public realm is not unacceptably compromised and their design responds positively to the positive aspects of the locality and historic character, the host building and other locally distinct forms. The development also conflicts with Policy Q22 of the Local Plan which allows for development in conservation areas where its character or appearance is preserved or enhanced.

Conclusion

14. The development conflicts with the development plan taken as a whole. There are no material considerations of sufficient weight that would indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR