

Appeal Decision

Site visit made on 4 June 2024

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2024

Appeal Ref: APP/N5660/D/24/3340357

19 Raleigh Gardens, London SW2 1AD

- 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 & Mrs Jason and Hannah Copas against the decision of the Council of the London Borough of Lambeth.
 - The application, Ref. 23/04157/FUL, dated 23 December 2023 was refused by notice dated 21 February 2024.
 - The development proposed is a new detached garden room associated with the main dwelling to the rear of 19 Raleigh Gardens.
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Decision

1. The appeal is allowed and planning permission is granted for a new detached garden room associated with the main dwelling at the rear of 19 Raleigh Gardens, London SW2 1AD in accordance with the terms of the application, Ref. 23/04157/FUL, dated 23 December 2023 and subject to the conditions in the attached Schedule.

Main Issue

2. The main issue is the effect of the proposed outbuilding on the character and appearance of the Beechdale Road street scene and the Rush Common and Brixton Hill Conservation Area ('the CA').

Reasons

3. From the Officer Report on the appeal application, it would appear that the principle of an outbuilding in the rear garden of No. 19 Raleigh Gardens would be acceptable: *'..... a Conservation Officer has advised that the erection of an outbuilding at the site may not cause harm (to the CA) subject to the design being of an appropriate scale which is subordinate within the rear garden context and is not visible from the street'*. In this comment, 'design' is linked to 'scale' which in itself is not wrong, but for the purposes of this appeal it is useful to consider design, scale and siting individually (the siting including the issue of visibility from Beechdale Road).
 4. Turning firstly to design, paragraph 5.5 of the Design, Access and Heritage Statement submitted as part of the application refers to the flank walls of the outbuilding being of a similar brick to that of the adjacent houses. The front and rear elevations (the front being the elevation to Beechdale Road) would be a combination of timber cladding and full height glazing. A pitched metal roof and metal framed windows are also proposed.
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5. In my view, the outbuilding would for the most part be perceived as being of contemporary design and as such may be regarded by some passers-by in Beechdale Road as out of keeping with the late C19th terraces of Raleigh Gardens and Beechdale Road. This is the opinion of the conservation officer who equates visibility from the road with an incongruous development that would cause harm to the street scene and the CA.
6. However, whilst I respect this appraisal as a professional view, there is a well-established contrary rationale in planning and architecture that subject to a high standard of design and external materials together with proportionate scale, contemporary buildings can play a positive role in conservation areas through the variety and interest that they introduce to an historic context.
7. I share this view that innovative built form is often preferable to pastiche development and subject to my comments in the paragraphs below I consider that the appeal scheme is potentially an example of the appropriateness of this preference. In this regard I note that although there were objections to the application from neighbours, there were also representations in support, including in some cases with positive references to the design.
8. Furthermore, the combination of timber and extensive glazing in the only public view of the outbuilding would help insofar as it would be more of a 'lightweight' structure with simple elevations consistent with a proposed garden room. This would be in marked contrast to the solidity, dominant scale and formal design character of the terraces of Victorian houses that adjoin the eastern and western site boundaries in a strongly ordered development pattern.
9. Turning secondly to the scale of the outbuilding, it is only of a substantial size because of its length of approximately 8.2m, leaving the frontage width at 3.3m and the rear elevation to the garden 6m. This is a result of the appellants wishing to use the outbuilding for the majority of the 'dog leg' shape of the garden that relates especially poorly to the house as regards visibility and accessibility. The 90-degree angle of the outbuilding to Beechdale Road means that this substantial length would not be at all apparent in views from the public realm. Indeed, if it were I would be minded to give greater weight to the Council's concerns as to the visual impact of the building.
10. Thirdly as regards height, the Officer Report refers to 'a two-storey height structure' but I consider this to be plainly wrong. The proposed eaves height is 2.72m and that of the roof ridge 4.4m and these are not even equivalent to the dimensions of small two-storey dwellings. However, the more salient point is that, as clearly illustrated in the application's 'Proposed Street Elevation' (Drawing No. 203), the ridge as the highest point of the proposed outbuilding only reaches the same height as the top of the ground floor accommodation in the adjoining No. 3 Beechdale Road.
11. Finally in terms of the proposed siting, the outbuilding would be set back from the boundary to the pavement so as to line in with the frontage of the terrace in Beechdale Road, and in particular the adjoining No. 3. Accordingly, it would be between these formal street scene compositions of Beechdale Road and Raleigh Gardens as opposed to interrupting their continuity. And together with the single storey height and set-back position, the development would thereby have no effect on the significant contribution of Raleigh Gardens to the significance of

the CA as a designated heritage asset, or in the case of Beechdale Road to its setting.

12. The siting away from the road is essential and would provide the outbuilding with its legitimacy as a 'Garden Room', whilst to the extent that it would draw the eye as being different, the building would to some degree counter the visual impact of the unsympathetically designed extension to the NHS medical centre on the opposite side of the road. A further advantage of the set-back garden siting as opposed to a frontward position is that it would provide an opportunity for the structure to be seen in the context of mature landscaping.
13. I agree with the Council that the photomontages of the outbuilding are misleading as to the size and maturity of the vegetation but disagree with the view of the conservation officer that the structure should be hidden from the street. The appearance of the outbuilding would be enhanced by its front elevation being framed by mature landscaping, but its complete screening from Beechdale Road would in my view be a lost opportunity for an enhancement of the CA. This would be through the aforementioned added interest and variety at the junction of Raleigh Gardens and Beechdale Road, albeit not to an extent of more than minor significance for the heritage asset as a whole.

Other Matters

14. The Officer Report states that in addition to six letters of support following public consultation on the application there were four letters of objection and I have had regard to these in coming to my decision on the appeal. The objections include a loss of outlook natural light for the occupiers of No. 3 Beechdale Road. However, I have read and agree with the comments in the Report that due to the siting and the modest height of the outbuilding there would be no adverse impacts as regards daylight, sunlight or outlook for the occupiers of that property.

Conclusion and Conditions

15. For the above reasons I conclude that the outbuilding would cause no harm to the character and appearance of the Beechdale Road street scene and the Rush Common and Brixton Hill Conservation Area. Accordingly, there would be no harmful conflict with Policies Q5, Q8, Q14 & Q22 of the Lambeth Local Plan 2020-2035 (2023) or with Government policy in Section 16: 'Conserving and Enhancing the Historic Environment' of the National Planning Policy Framework December 2023.
16. I shall therefore allow the appeal. A condition is needed to ensure that the outbuilding is constructed in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. A condition to ensure that the building is used only in connection with the residential use of the host dwelling will safeguard the amenity of the neighbours. Conditions requiring the site to be landscaped and the construction to be subject to the provisions of an Arboricultural Method Statement will safeguard the long-term appearance of the site after the development has been completed.

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this Decision;
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans*:

[Project No. 2301: Submitted Drawings References & Titles:]

201 – Proposed Location & Block Plan;

202 - Proposed Ground Floor Plan;

203 - Proposed Street Elevation;

206 – Proposed Roof Plan;

104 - Proposed Rear and Side Elevations;

105 - Proposed Sections;

104 – Proposed Garden Room Building (*this is a Composite Plan*)

**For ease of reference plans of 'as existing' and 'previously approved' are excluded and not considered essential for this condition. Repetition of 104 as a drawing number in the application is assumed to be an error.*

- 3) The outbuilding hereby permitted shall not be used or occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 19 Raleigh Gardens, Lambeth, London SW2 1AD;
- 4) The outbuilding shall not be constructed other than in full accordance with an Arboricultural Method Statement ('the AMS') which shall first be submitted to and agreed in writing by the Local Planning Authority. The AMS shall fully represent the measures stated in the 'BS 5837 Arboricultural Report & Impact Assessment' dated 17 October 2023 prepared by Crown Tree Consultancy;
- 5) Within three months of the date of this Decision there shall have been submitted to and approved in writing by the Local Planning Authority a scheme of soft and hard landscaping with appropriate planting to secure a medium to long term mature garden setting for the proposed outbuilding. The planting shall be carried out in the first planting season following the completion of the building's construction or such other time first agreed in writing by the Local Planning Authority.