



Appeal Decisions

Site visit made on 26 March 2025

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 April 2025

Appeal A Ref: APP/N5660/W/24/3352655

41 Clapham Road, Lambeth, London SW9 0JD

- 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 Dr Kannan Chandran against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 24/01620/FUL.
 - The development proposed is described on the application form as 'lower ground floor extension to provide 4 additional treatment rooms to the existing dental surgery.'
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Appeal B Ref: APP/N5660/Y/24/3352656

41 Clapham Road, Lambeth, London SW9 0JD

- 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 Dr Kannan Chandran against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 24/01621/LB.
 - The development proposed is described on the application form as 'lower ground floor extension to provide 4 additional treatment rooms to the existing dental surgery.'
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Decisions

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

Preliminary Matters

3. The development and works relate to a listed building located within a conservation area. In this respect I have had special regard to the requirements of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Mindful of my statutory duty under section 72(1) of the Act, I have also paid special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.
4. Both Appeals A and B concern the same scheme under different, complementary legislation. To avoid duplication, I have dealt with both appeals together in my reasoning.

Main Issues

5. The main issues are:
 - whether the proposed development and works would preserve the Grade II listed building, 27-41 Clapham Road, or any features of special architectural or historic interest which it possesses, and the extent to which the works

would preserve or enhance the character or appearance of the St Marks Conservation Area; and

- the effect of the proposed development and works on trees.

Reasons

Heritage – special interest and significance

Listed building

6. The appeal site comprises a building known as 41 Clapham Road. It forms part of a Grade II listed building known as 27-41 Clapham Road¹. The building dates from the 19th century.
7. The appeal building maintains an aesthetically pleasing form, constructed in London stock brick. A number of changes have occurred to the front and rear of the building over time. This includes the erection of extensions, the replacement of some window and door openings and the installation of modern advertisements. Nevertheless, this has not unduly eroded the appeal building's intrinsic heritage merit, or the contribution it makes to the listed terrace.
8. Based on the evidence before me, I find that the listed building's special interest and significance is primarily associated with its architectural and historic interest as an illustration of 19th century domestic architecture, together with its value as part of a group. Important contributors in these regards, which are pertinent to the appeal, are its surviving historic fabric and the use of traditional construction techniques and materials.

Conservation Area

9. The appeal property is located within St Marks Conservation Area (the CA). The special interest and significance of the CA is derived, in part, from its visually dominant rows of two and three storey terraced houses, each with high-quality architectural frontages. Consistent building materials of London stock brick dominate the CA. The appeal site contributes to the character and appearance of the CA and thereby to its significance as a designated heritage asset.

Heritage – appeal proposal and effects

Listed Building

10. The proposed development and works would principally involve the erection of a lower ground floor extension. It would be finished in matching brickwork with a shallow pitched slate roof over.
11. The proposed extension would be of a comparatively large scale relative to the historic core, extending further into the historic garden area than any part of the existing building or listed terrace. Although single-storey, and situated behind a boundary wall, its overall scale and projection would be dominant and would harmfully disrupt the relatively simple plan form of the existing property.
12. Moreover, the proposed extension, whilst remaining subservient to the main building, would conceal part of the rear elevation of the building, harmfully affecting

¹ List Entry Number: 1080508

its legibility, and eroding its integrity. Whilst there would be minimal loss of historic fabric, and the appellant argues that some enhancements would take place, this would not lessen the harm to the listed building overall.

13. I accept that the proposal would be positioned to the rear of the building and the appellant has worked to lessen its visual impact. However, the building is listed for its intrinsic architectural and historic interest and the visibility of the proposed development and works, in my view, is not a determining factor in considering whether they would preserve the special architectural or historic interest of the building.
14. Overall, I conclude that the proposed development and works would fail to preserve the Grade II listed building, 27-41 Clapham Road, or any features of special architectural or historic interest which it possesses, contrary to the requirements of section 16(2) of the Act. Consequently, the proposed development and works would harm the special interest and significance of this designated heritage asset.

Conservation Area

15. Notwithstanding the harm that has been identified above in respect of the listed building, the position, nature and extent of the proposals are such that they would, when viewed from the public realm, appear as relatively modest in the streetscene. Unlike listed buildings, the significance of a CA is, in part, dependent upon how it is experienced as a whole. For the reasons above, I consider that the proposals would have a neutral effect on, and would therefore preserve, the character and appearance of the CA as a whole.
16. Accordingly, I conclude that the proposal would preserve the character and appearance of the CA and would meet the requirements of Section 72(1) of the Act. As such, it would not harm the significance of this designated heritage asset. Nevertheless, the lack of harm in this respect does not weigh for or against the appeals and does not alter my conclusion in respect of the listed building.

Heritage – public benefits and balance

17. Paragraph 212 of the National Planning Policy Framework states 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 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
18. With reference to paragraphs 214 and 215 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the extent of the works relative to the listed building, I find the harm to be 'less than substantial' in this instance but, nevertheless, of considerable importance and weight. Under such circumstances, paragraph 215 advises that this harm should be weighed against the public benefits of the development, which includes securing the asset's optimum viable use.
19. Economic benefits would be brought about through the construction phase and the general investment into the property. However, the scale of those benefits is short-term and limited by the extent and nature of the proposal. The appellant has set

out that the proposed development and works would assist with dentist provision in the area. However, there is no substantive evidence before me of current or forecast supply and demand in the area, or how this would change as a result of the proposed development and works. Consequently, the proposed development and works, namely the extension of the building, does not provide clear and convincing justification for allowing the appeal.

20. Conservation is an active process of managing change to heritage assets in ways that sustain, reveal or reinforce their heritage interests. I am not persuaded that the scheme before me is fundamentally necessary to secure the optimum viable use of the building. Moreover, no substantive evidence has been put before me which verifies that the property would not be useable or viable as a business premises (or otherwise) now or in the future, or that its conservation as a designated heritage asset would be at risk, if the appeals were to fail and the proposal, as submitted, was not implemented.
21. Overall, the weight that I ascribe to the public benefits that would accrue from the proposal, is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found. Accordingly, the proposed development and works would fail to preserve the Grade II listed building, 27-41 Clapham Road, or any features of special architectural or historic interest which it possesses. Consequently, the proposal would be contrary to the requirements of section 16(2) of the Act. The proposal would also be contrary to the relevant provisions of Policies Q5, Q11, Q14 and Q20 of the Lambeth Local Plan (LP, 2021). These policies, in summary and when taken as a whole, seek to conserve and enhance the historic environment and for development to positively respond to the subject building's original architecture. This is in a similar vein to the provisions of the Lambeth Design Guide Supplementary Planning Document (2023).

Trees

22. Two semi-mature trees exist to the rear of the appeal site. It is proposed to remove one of these as part of the proposed development and works, while the other would be retained. The tree scheduled for removal is considered by the appellant not to be of significant amenity value.
23. However, there is no substantive evidence before me, such as a tree assessment, to demonstrate the future wellbeing and likely lifespan of the retained tree following the implementation of the development. This is irrespective of any proposals to plant replacement trees.
24. Without such information, I am unable to conclude that the proposed development and works would accord with the relevant provisions of LP Policy Q10. This policy, in summary seeks to protect trees. Nevertheless, even were I to find this main issue acceptable, it would not change my conclusion in respect of the other main issue.

Other Matters

25. I accept that the proposed development and works would meet some planning objectives, including in respect of neighbouring amenity. However, this is not a matter in dispute, and it does not weigh for or against the appeals.

Conclusion

26. For the reasons above and having had regard to the development plan as a whole and all other relevant material considerations, I conclude that Appeal A and Appeal B should be dismissed.

A Price

INSPECTOR