



Appeal Decision

Site visit made on 25 April 2025

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2025

Appeal Ref: APP/N5660/W/24/3357781

94 Abbeville Road, Lambeth, London SW4 9NA

- 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 Raj Wilkinson against the decision of the Council of the London Borough of Lambeth.
 - The application reference is 24/01413/FUL.
 - The development is described as: retrospective planning permission sought for a garden gazebo structure.
-

Decision

1. The appeal is allowed, and planning permission is granted for the erection of a garden gazebo structure at 94 Abbeville Road, Lambeth, London SW4 9NA in accordance with the terms of the application Ref 24/01413/FUL and the plans submitted with it.

Procedural matter

2. The proposed garden gazebo structure is in place, which for brevity I shall refer to hereafter as the structure. It appears to have been erected in accordance with the submitted plans.

Main Issue

3. The main issue is the effect of the structure on the character and appearance of the appeal property and the local area.

Reasons

4. The structure stands within the courtyard at the back of the appeal property, which is 3-storey end terrace building in use as flats within a mainly residential area. It provides a covered ground floor walkway between the rear of the main building and a detached garage that has been converted to provide living accommodation.
5. The structure is a sizeable addition. It also stands to one side of the courtyard with substantial buildings at either end, and alongside a tall boundary wall beyond which is Caldervale Road. Nevertheless, the Council's view that the appearance of the structure is akin to a rear extension and that, when taken together with other buildings, constitutes overdevelopment of the site is to my mind overstated.
6. The structure has an open sided timber frame with evenly spaced uprights and a shallow pitched roof. As a result, it has a lightweight appearance in marked contrast to the solid brick walls of the existing buildings and the boundary wall. It is

also simple in design, lacking ornamentation or detailing that might otherwise draw the eye or attract attention away from the main building. As a result, the structure has a modest presence within its residential courtyard setting and it visually 'reads' as a separate distinct entity. In that context, the structure does not appear overly bulky, unsympathetic nor does it visually merge with the existing buildings at each end to form a single mass.

7. The upper part of the structure is visible from the street because it projects above the boundary wall to Caldervale Road. In these views, the roof of the structure and its unbroken ridgeline broadly parallel to the highway are evident. Even so, the structure is noticeably lower and far less substantial in-built form than the main building and the converted garage and its timber frame and open sides clearly set it apart from these buildings. It is subordinate in relation to the taller and more substantial host building, as required by Policy Q14 of the Lambeth Local Plan 2020-2035 (LP). When seen from the road, the main views of No 94, which include the main flank walls, boundary wall and the doors of the converted garage remain predominant with the structure in place. For these reasons, the development is not obtrusive nor incongruous in the local street scene.
8. The structure is not set back from the site's boundary by at least 1 metre, as required by LP Policy Q14. The Council also states that the structure results in more than 50% of the ground area within the curtilage of No 94 being covered by buildings in conflict with this policy, which the appellant strongly contests. Either way, I saw that a good-sized open courtyard remains at the rear of No 94 with other buildings in place. As such, the development sought is not at odds with a main purpose of applying the 50% threshold, which is to protect residential gardens from inappropriate development. For the same reason, the appeal scheme does not constitute overdevelopment of the site. Against that background, a conflict with part of LP Policy Q14 is insufficient in this case to withhold planning permission.
9. The Lambeth Design Guide Part 4, *Building Alterations, Extensions and Retrofit* (Design Guide) notes that garden structures need to be carefully considered to ensure that they do not harm visual or residential amenity, nor lead to the unacceptable loss of garden space. None of these outcomes arise here.
10. On the main issue, I therefore conclude that the structure does not cause significant harm to the character and appearance of the appeal property or the local area. Accordingly, there is no conflict with LP Policies Q5, Q8, Q11, a main purpose of Q14 or the Council's Design Guide. These policies and guidance promote high-quality development and aim to ensure that the built environment is protected if not enhanced.
11. As the development is complete, a condition that requires the development be carried out in accordance with the plans, as suggested by the Council, is unnecessary. No other conditions are required.
12. Overall, there are no material considerations that indicate the development should be determined other than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be allowed.

Gary Deane

INSPECTOR