



Appeal Decision

Site visit made on 4 June 2025

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2025

Appeal Ref: APP/N5660/W/24/3357257

Park Tavern, 56 Elder Road, London SE27 9ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Mr Mordechai (Leibi) Waldman of Market Place Properties Ltd against the decision of the Council of the London Borough of Lambeth.
- The application reference 24/02500/DET sought approval of details pursuant to condition No 4 of planning permission reference 22/00442/FUL, granted on 2 December 2022.
- The development proposed is:
“Change of use of the Public House (Sui Generis) into 5 self-contained flats (Use Class C3), involving excavation to the existing basement plus the installation of 2 front light wells; the erection of a part one and part two storey rear extension; the erection of a rear dormer roof extension including a balcony and alterations to the existing rear dormer; the replacement of the ground floor front window with a door, together with the provision of refuse/recycling and cycle storages and hard/soft landscaping.”
- The details for which approval is sought are pursuant to the requirements of Condition 4 which stated that:
“Notwithstanding the details shown on the drawings hereby approved, above ground works shall not commence until drawings showing all external construction detailing of the whole development have been submitted to and approved by the Local Planning Authority in writing. The drawings shall include details of:
 - a) Brick details within elevations;*
 - b) Roof and roof cladding (method of fixing) to include section through roof;*
 - c) Communal entrances including signage;*
 - d) Windows, secure vents and doors; section and cross section of typical window (including existing window of public house to be replaced with openable windows);*
 - e) Details and location of rainwater pipes, flues and vents;*
 - f) Screening of the first floor and second floor balconies;*
 - g) Lightwells; and*
 - h) Boundary treatments and gates**The details set out above shall be provided at 1:10 scale (including sections) or at another scale agreed by the Local Planning Authority, unless indicated otherwise above. The development shall not be carried out otherwise than in accordance with the details and drawings approved.”*

Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. I have used the address of the appeal site in the banner heading above as it was set out on the decision notice granting the original planning permission, and subsequently on the application form seeking approval of details. The version of the address used on the appeal form omitted the name “Park Tavern”.
3. The appeal property is a locally listed building within the Elderwood Conservation Area. Planning permission was granted in December 2022 for the change of use of the building from a public house to create five self-contained flats, and various

works related to that change of use. 17 conditions were imposed on the permission. Condition 4 required the submission and approval of various details as set out in the banner heading above; the original decision notice stated that the reason for imposing the condition was “to safeguard the visual amenities of the area and the character and appearance of the surrounding conservation area”, and it referred to Policies Q5, Q8, Q11, Q22 and Q23 of the 2021 Lambeth Local Plan.

4. This appeal relates to the submission by the appellant of details of windows on the front elevation of the appeal property, other matters covered within Condition 4 having been dealt with in a separate (approved) application¹. The Council refused to approve the details on the grounds that “insufficient information and inaccurate information has been provided regarding the treatment of the front elevation windows”.
5. In determining this appeal, my role is to consider whether the requirements of Condition 4 have been met – it is not for me to reappraise the planning permission, or to consider whether the condition is reasonable or necessary. In their final comments during the appeal the appellant described the works to the front elevation as completed; I was able to see the installed windows in place during my site visit.

Main Issue

6. The main issue is whether the submitted details satisfy the requirements of Condition 4 of the original permission.

Reasons

7. Condition 4 is quite clear that it is necessary for details (including cross-sections) of windows to be submitted at a large scale, specifically 1:10 unless specified or agreed otherwise. The application for approval of details was accompanied by two plans; the first comprising building elevations and a roof plan², the second showing the dimensions and layouts of 11 different types of windows³. The elevations on the first drawing were at a scale of 1:50, the second drawing did not include scale information, nor did it include cross sections of the windows. The level of detail fell well short of that required by Condition 4 so that it was not possible to appreciate (for example) depth of frames, moulding profiles and so on.
8. I also saw that some of the installed windows are not as shown on the submitted details. Windows 03, 04, 07 and 08 are shown on the second drawing as being three panes wide by four panes high, but the installed windows are only two panes wide (though presumably still the same overall size). There is a second “Window 03” shown on the dimensions drawing, of a different size to the first but which does not bear an obvious relationship to the windows shown on the elevations drawing. This lack of accuracy is a further shortcoming of the information provided.
9. I therefore conclude that the submitted details do not satisfy the requirements of Condition 4 of the original permission.

¹ LPA Ref: 24/02499/DET

² “Planning conditions details” – Dwg. PT.COND.002E – Alozie Architects

³ Quote No: Q2000159, ENG Glazing Ltd

Other Matters

10. There is disagreement between the Council and the appellant as to whether the original permission permitted only the replacement of one window on the front elevation, or more. The Council noted that the approved plans “did not propose any changes to the fenestration on the front elevation with the exception of the insertion of a door at ground floor level”, which appears to be supported by the description of that development. The appellant, on the other hand, considers that “it was clear that the officers noted that the front façade required some alteration and requested submission thereof by way of condition 4d)”. I have not been provided with the full details and drawings of the original permission but, in fact, that debate has little bearing on this appeal; whether it is one window or 11 which are at issue, for the reasons I have just set out the details submitted are not sufficient to comply with the condition.
11. In its appeal statement the Council described Condition 4 as a “pre-commencement condition”, though it is not as it kicks in before “above ground works” can be started. The appellant noted that in the original permission “there was only a small rear extension that required construction”. The obvious implication of the all the evidence I have seen is that those above ground works have not only started but been completed, so in this light there is considerable doubt in my mind as to whether the provisions of Condition 4 (at least relating to windows) could now even be discharged. However, in view of my conclusion about the inadequacy of the submitted details before me, I have not taken this point further. Certainly though, as details of windows have not been approved it is inaccurate to suggest, as the appellant has, that “consent for the alterations in the appearance of the front façade have been discharged”.
12. Much of the appellant’s evidence related to the appearance of the windows which have been installed, and their effect on the character and appearance of the appeal property and the wider area. Again though, that is not what is at issue in this appeal. Neither is it my role here to consider the lawfulness of works which may have been carried out outside the scope of the original (or any other) planning permission; it would be open to the appellant to make an application under section 191 of the Act, the determination of which would be independent of my decision in this appeal.

Conclusion

13. For the reasons given above the appeal should be dismissed.

M Cryan

Inspector