



Appeal Decision

Site visit made on 30 June 2025

by Colin Cresswell BSc (Hons) MA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28TH July 2025

Appeal Ref: APP/N5660/W/25/3358591

26 Mount Nod Road, Lambeth, London, SW16 2LH

- 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 Marleston Development Ltd against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 23/01694/FUL.
 - The development proposed is erection of a 2-storey detached building, accommodating 6 flats on garden land at the rear of the site with associated refuse and cycle storage provision and landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, having particular regard to nearby trees.

Reasons

Character and appearance

3. The appeal concerns land to the rear of surrounding housing. Although the site is not seen from many public vantage points within Mount Nod Road, it is clearly visible from the rear windows and gardens of houses in the street. The site is also seen at close quarters from the housing in Mountearl Gardens, including a communal area of lawn to the rear of nearby flats.
4. The site is currently undeveloped and overgrown with vegetation. I understand that tree felling has taken place and there appeared to be no large trees remaining on the site when I visited. However, there a number of mature and visually prominent trees which are situated just outside the boundaries of the site. In my view, these make a strong positive contribution to the character and appearance of the area, especially as this is an inner-city location with relatively limited greenery. The trees are also likely to provide some ecological benefits, although relatively little information has been provided on this matter.
5. In recognition of these qualities, a Tree Preservation Order has recently been imposed. As well as the trees to the rear of Mount Nod Road, the Order also includes some near the proposed entrance to the site.

6. The appellant's evidence is mainly based on the arboricultural impact assessment¹ produced during the application process and the subsequent statement², which was prepared at the appeal stage in response to the Council's objections. Among various other measures to help protect the neighbouring trees from damage, the reports advocate use of specialist foundations. This would involve a no-dig approach, with micro-piles or concrete slabs being placed over the root protection areas. It is stated that the floor of the proposed building would also need to be raised in order to avoid the need for excavation.
7. The Council expresses concern that the approach being advocated may still harm the trees. Attention is also drawn to potential harm that may occur during the construction process. However, even if I were to find the proposal acceptable in these respects, it remains unclear whether the construction method described in the reports would be feasible to implement.
8. My attention has been drawn to paragraph 2.8.2 of the original report which states that *any engineering solutions presented within this document are recommendations for their suitability from an arboricultural viewpoint. The architect and structural engineers should make the final decision on the suitability of the methods advised.* Although the appellant says that internal discussions with the project engineer indicate that the proposals would be viable, there is no formal report that can be subjected to scrutiny. In my view, this raises uncertainty as to whether the development could proceed as planned. Therefore, without additional clarity on this matter, I am unable to conclude that the development of the site would ensure the protection of the trees.
9. I appreciate that there are no plans to remove any of the protected trees. However, as it has not been demonstrated that the site could be developed without harming them, it seems to me that allowing the appeal and granting planning permission risks jeopardising their long-term health. Loss of any of the trees would have a detrimental impact on the visual qualities of this urban setting.
10. I therefore conclude on the main issue that the proposal would have a harmful effect on the character and appearance of the area. There would be conflict with Policies Q10 and Q14 of the Local Plan³ and Policy G7 of the London Plan⁴. In different ways, these seek to protect existing trees.

Other matters

11. The Council's second reason for refusal concerns the lack of a legal mechanism to secure financial contributions to fund various transport related initiatives. A signed legal agreement has since been provided which would potentially resolve the Council's objections. However, as I am dismissing the appeal for other reasons, I have not considered this matter any further.
12. The Council say that the site may provide a habitat for nesting birds, given that it contains debris from felled trees. In the event of the appeal being allowed a condition could be imposed to require an updated ecological survey and an associated mitigation strategy.

¹ Arborological Impact Assessment, Ligna, 23 October 2023

² Arborological Statement in Response to Planning Refusal, Ligna, 6 January 2025

³ Lambeth Local Plan 2020–2035, adopted September 2021

⁴ The London Plan, March 2021.

Final Balance

13. The proposal would harm the character and appearance of the area. Consequently, it would not accord with the development plan as a whole and this a matter that counts significantly against allowing the appeal.
14. However, the Government's objective is to significantly boost the supply of homes. Other provisions of the Framework observe that small sites can make an important contribution to meeting the housing requirement. I understand that the Council only delivered 74% of its housing target between 2020 and 2023. Because of this, paragraph 11 d) of the Framework⁵ is engaged.
15. The policies in the Framework seek to both deliver a sufficient supply of homes and achieve well-designed places. However, the creation of high-quality places is fundamental to what the planning and development process should achieve. That would not be so here. Although there is considerable support for new housing in this location, the proposal would make a relatively limited contribution to overall housing supply. This is a case where the importance of maintaining a high standard of visual amenity trumps the provision of additional housing.
16. Therefore, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

17. The proposed development would be contrary to the development plan and there are no other material considerations, including the provisions of the Framework, that outweigh this finding. The appeal is therefore dismissed.

C Cresswell

INSPECTOR

⁵ National Planning Policy Framework, December 2024.