



Appeal Decision

Site visit made on 17 July 2025

by **S Burch BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 August 2025

Appeal Ref: APP/N5660/W/25/3363801

Land Rear of 41 Stockwell Park Road, London SW9 0DD

- 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 Ms Isabel Elkington against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 24/03908/FUL.
 - The development proposed is described as a 'Two storey dwelling house.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, including the Stockwell Park Conservation Area (CA), the setting of the grade II listed buildings, known as 41 Stockwell Park Road (No.41) and 47 Groveway (No.47); and
 - whether the proposal would make adequate provision to restrict future occupiers from applying for parking permits and to ensure cycle hire membership and car club membership.

Reasons

Character and Appearance

3. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
4. The appeal site comprises a parcel of land to the rear of No.41, close to the junction of Groveway and Stockwell Park Road. The site is occupied by a single storey block of three garages, which sit between the rear of No. 41 and the flank wall of No. 47. The garages face onto Groveway. The evidence before me indicates that the garages themselves are too small for cars to be parked inside them, however it appears that the forecourt area to the front of the garages is used for parking.

Significance and settings

5. The site is situated within the Stockwell Park CA. As a whole, the CA is characterised by early 19th century villas mostly with Neo-Classical detailing. Properties are both detached and semidetached, sited within pleasant mature gardens which gives them a sylvan quality. According to the Stockwell Park CA Statement (2009) (SPCAS), landmark buildings, mature trees and a general unaltered appearance contribute to the special character of the area.
6. The SPCAS describes how the properties along Groveway are arranged as either detached or semi-detached villas, or as short terraces giving a formal suburban character unified by the common building line, fenestration patterns and architectural detailing. The properties typically have Neo-Classic detailing. The site provides some relief in the otherwise built-up street scene in Groveway, allowing views of back garden trees, which contribute to the sylvan quality of the area, above the garage block. Notably, the SPCAS identifies the garages as making a negative contribution to the CA.
7. The site is also proximate to several listed buildings. The site sits between No.41 and No.47. Both these properties are Grade II listed.
8. No. 41 is an irregular stuccoed early 19th century dwelling with two storeys and a basement. The evidence before me outlines how the property was extended to the south with a large four storey extension in the 1950's. The significance of the building is largely related to its presence on a corner plot at a nodal junction. The appeal site historically sat within the boundary of No.41. The contribution the appeal site makes to its setting is largely related to the separation buffer and visual relief it provides between buildings.
9. No.47 (described alongside No.45 on entry) is described as an early-mid 19th century villa. The list entry describes its slated roof with two dormers and stock brick with stuccoed basement, frieze, cornice and blocking course. The significance of this building is predominately derived from its architectural and historical interest. The contribution the appeal site makes to its setting is related to it providing relief to the built-up street scene along Groveway and between the two listed buildings, as the road approaches the transition into Stockwell Park Road.

Effect of the proposed development on the character and appearance of the CA and the setting of the listed buildings

10. The proposed development would involve the demolition of the existing garages and construction of a two-storey dwelling. The dwelling would be sat behind a front boundary wall and garden. The front building line would be relatively in line with development to the east of the site. Proposed materials would include London stock brick and a zinc roof.
11. At present, the garages have a relatively discrete presence sat behind No.41 and its boundary wall and aligning with the front elevation of No.47. Due to its increased height, the proposed dwelling would be much more prominent in the street scene and would serve to somewhat close the visual gap between No.41 and No.47.
12. The effect of the closure of this gap would reduce the sense of openness and spaciousness as you transition from Stockwell Park Road into Groveway. It would

also reduce the visual relief and sense of buffering between the two listed buildings, drawing attention away from them and cramping their setting. Similarly, it would reduce views of rear gardens and trees, both of which contribute to the verdant quality of the CA.

13. Although a one storey dwelling was previously approved on the site (Ref:20/03709/FUL), this largely maintained the visual gap between buildings at the junction given its proposed height, similar to that of the garages.
14. The appellant puts forward that the views above the garages already feature a tall modern building on Robsart Street, thereby heavily deviating from the established character of the CA. However, whilst there may be glimpses of this building, the main view is that of trees and rear gardens and the proposed dwelling would serve to erode this view.
15. Furthermore, the proposed scale of the dwelling (two storey), sat amongst mainly three to four storey properties, would appear awkward and discordant in the street scene. Reference is made to two storey coach houses and stabling; however, these are ancillary to the main dwellinghouses and are not an independent property sat in its own plot. The proposed dwelling is therefore not directly comparable to a coach house or stabling. Whilst the proposed dwelling would be of a smaller scale than the listed buildings, this would not conserve their setting and significance. Instead, it would cramp their setting, detracting from their significance.
16. I acknowledge that the proposed dwelling is a of a reduced scale in comparison to a previously dismissed appeal (Ref: APP/N5660/W/17/3181210, dismissed 10th May 2018). However, the scale of the proposed dwelling would still serve to close the visual gap at this transitional space and between the listed buildings for the reasons outlined above.
17. Turning to the proposed design of the dwelling, from the front elevation the dwelling would appear to have a mansard type roof however to the rear it would have a flat roof. This roof form is not a characteristic of the CA and creates a rather boxy and heavy appearance. Furthermore, the proposed zinc roof would contrast with more traditional materials and detailing evident in the surrounding area.
18. Whilst the appellant alleges that all new recent building work on Groveway, including 33 and 41 Groveway, incorporates zinc, these are in the minority, and it is my view that this material is not reflective of the predominant appearance of the area and this part of the CA.
19. Although the proposed dwelling may be somewhat screened by the proposed front boundary wall and planting, given its height, it would still be readily visible from the street scene. Whilst the proposed dwelling would be somewhat hidden by No.47 when travelling up Groveway towards the junction, it would be visible when travelling from the junction towards Groveway, particularly at times when the nearby trees are not in leaf.
20. Overall, the proposed dwelling's appearance would not be respectful of its immediate context. The proposed dwelling, including its scale, roof form and materials, would contrast with the predominant appearance of the area and as a result the proposed dwelling would have a jarring presence within the street scene.

It would infill an important visual gap, thereby harming the setting of the CA and both listed buildings (No's 41 and 47).

21. Whilst the Inspector for the previous appeal (dismissed 10th May 2018) at the site did confirm that they were satisfied that the provision of residential accommodation would preserve the character of the CA, they were clear that the proposed development would fail to preserve or enhance the appearance of the CA.
22. The scheme is also situated in proximity to 45 Groveway, which is Grade II listed. The Council have not raised any specific concerns regarding the proposals effect on this building. Given the intervening distance and structures, I am also satisfied that the scheme would not directly affect this building.
23. For the above reasons, I find that the development would harm the appearance of the CA and the settings of No's 41 and 47, which would fail to preserve their special interest and significance.

Public benefits

24. Given the scale and nature of the proposal, the degree of harm to the significance of these designated heritage assets would be less than substantial. On a scale, it would be at the lower to midpoint of less than substantial harm. Under such circumstances, paragraph 215 of the National Planning Policy Framework (the Framework) advises that this harm should be weighed against the public benefits of the proposal.
25. The siting of the new dwelling would somewhat screen the extension at No.41, which has no particular architectural merit and a poor appearance. It is also put forward that it would screen the modern tall building on Robsart Street, however on my site visit views of this in the gap were extremely limited. A new tree would be planted to the front of the dwelling, replacing a tree which was recently removed. Once this tree becomes established it would contribute to the sylvan character of the area. Hardstanding would be removed, and new landscaping would be incorporated to the front of the dwelling. This would benefit the character and appearance of the CA and likely reduce surface run-off.
26. A garden wall would also be reinstated to the front of the dwelling. The accurate reinstatement of boundary treatment is identified in the SPCAS as an enhancement opportunity. I attribute these considerations moderate weight in favour of the appeal.
27. The scheme would involve the demolition of existing garages, which are identified as making a negative contribution to the CA. The evidence before me also outlines how these garages are a source of antisocial and possibly unlawful behaviour. The evidence suggests that the site makes local residents feel unsafe, therefore the residential redevelopment of the site would ensure its active use, likely reducing antisocial and unlawful behaviour and improving community safety. This may also somewhat improve the amenities of neighbouring residents who may be disturbed by such behaviour. The new dwelling may also meet Secure by Design criteria. These are considerable public benefits.
28. The proposal would deliver one single dwelling on a brownfield site in a location with good access to a wide range of services and facilities. The evidence before me outlines how there is a need for 1–2-bedroom dwellings in the borough. The

dwelling would therefore contribute to the supply of properties of this size. The dwelling may also be low energy and sustainable, meeting the Code for sustainable homes and utilising robust and durable materials. There would be some economic benefits through the construction of the dwelling and its lifetime. The provision of housing is a public benefit that carries considerable weight, in light of the Council's housing land supply position.

29. The evidence before me outlines how the site is within the proposed Slade Gardens Low Traffic Neighbourhood. The scheme would likely reduce the number of cars being driven into and parked in the CA, due to the removal of the garages and parking in front of them. However, this reduction would likely be very small due to the limited number of parking spaces the garage offers. The scheme would also allow for the provision of additional kerbside parking within a controlled parking zone (CPZ) and would return the existing dropped kerb to full height, improving the footway along Groveway. Given the relatively small scale of these benefits, I attribute them limited weight.
30. It is suggested that this proposal is the optimum viable use for the site. The appellant outlines how other various possibilities such as a two and three storey dwelling have been refused permission and although planning permission was previously granted for a one storey dwelling with basement, it was not economically viable to construct due to the high cost of constructing a basement. The cost of construction is however a personal matter and, in any case, does not justify the harm identified above. The appellant also raises concerns regarding potential flooding in the basement and the use of concrete in the basement. However, the evidence before me outlines how the site is situated in a flood zone 1, meaning there is a low possibility of flooding. I have afforded these considerations limited weight in favour of the appeal.
31. An absence of harm in relation to the standard of accommodation provided by the dwelling and access arrangements are neutral factors and would not weigh in favour of, nor against, the appeal.
32. Paragraph 202 of the Framework states that heritage assets are an irreplaceable resource. The public benefits of the proposal carry considerable weight in combination. However, the weight I give them is diminished by the fact the dwelling which would replace the garages would harm the appearance of the CA and settings of listed buildings. On the basis that paragraph 212 of the Framework establishes that great weight should be given to the conservation of a heritage asset, I am not satisfied that the benefits would be sufficient to outweigh the degree of harm identified.
33. In summary, the proposal would harm the character and appearance of the area, with it failing to preserve the CA's appearance and the settings of the listed buildings at No's 41 and 47. It would fail to meet the requirements of the LBCA and would not accord with Policies Q5, Q7, Q20 and Q22 of the Lambeth Local Plan (2021) (LLP) and Policy D3 of the London Plan (2021) (LP). Collectively, amongst other matters, these policies seek to ensure that development preserves or enhances local character, including CA's, and does not harm the significance or settings of listed buildings.

Legal Agreement

34. Policy D4 of the LLP seeks to ensure Section 106 planning obligations to fund, amongst other things, requirements made necessary by development. The case officer report states that the development should be secured as 'car-free', in accordance with Policy T7 of the LLP. However, Policy T7 largely relates to the servicing of vehicles.
35. Nonetheless, the site has a public transport accessibility level score of 6 and it is situated within a CPZ. Furthermore, the Framework seeks to promote sustainable forms of transport. Therefore, it seems reasonable to require the development to be car-free and occupiers to be provided with car hire membership. I also note that the appellant has not disputed this requirement. Policy T3 outlines how residents of all new residential development should be provided with three years free membership of the Cycle Hire scheme.
36. The appeal has not been accompanied by a legal agreement to ensure these measures. I acknowledge that the appellant is willing to enter into a legal agreement and has suggested a condition to ensure entry into a Section 106 agreement to ensure the obligations. However, the Planning Practice Guidance states that a positively worded condition which requires the applicant to enter into a planning obligation or an agreement under other powers, is unlikely to pass the test of enforceability.
37. The evidence before me outlines how the appellant entered into an appropriate Section 106 agreement under a previously approved scheme (Ref:20/03709/FUL), and this remains in place. The appellant advises that insofar as it needs to be revised or updated in the context of the revised proposal, they will agree to this. Whilst I acknowledge this willingness from the appellant, there is no legal agreement relating to this scheme before me.
38. Consequently, due to the absence of a legal mechanism, future occupiers would not be restricted from obtaining parking permits or provided with car club and cycle hire membership. Therefore, the development would not accord with Policy D4 of the LLP, which seeks Section 106 planning obligations to ensure that development proposals provide or fund, amongst other things, cycle hire memberships, car clubs and parking restrictions.

Other Matters

39. I acknowledge the appellant's concerns over the Council's handling of the application. However, this is not a matter that I can consider under a Section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.
40. It is suggested that the scheme would be custom built. However, there is no mechanism before me to ensure this. I understand that the appellant grew up in the area and the appeal scheme would be their dream home. This consideration is however a personal matter. I have afforded these considerations limited weight in favour of the scheme.
41. The scheme may broadly comply with Policies H1 and H2 of the LP in that it would utilise a small site and contribute to the housing supply. However, as can be seen above, it would fail to comply with numerous other LLP and LP Policies. Therefore,

compliance with the above policies would not outweigh the schemes noncompliance with several other policies.

42. The scheme has several letters of support from local residents. The appellant stipulates that it also has support from the Brixton Society and Stockwell Park Residents Association, however it does not appear that these groups provided a formal consultation response to the planning application. In any case, the extent of support is not a reasonable ground to allow development in this instance and would not outweigh the harm that I have identified above.
43. The evidence before me outlines how Lambeth are not meeting their housing targets and therefore a presumption in favour of sustainable development applies. However, with reference to paragraph 11 d) of the Framework, an exception is provided where policies in the Framework that protect assets of particular importance provide a clear reason for refusing the proposal. Footnote 7 establishes that this includes designated heritage assets. I have found that the proposal would harm the appearance of the CA and setting of adjacent listed buildings at No. 41 and 47. Consequently those policies provide a clear reason for refusing the development proposed.

Conclusion

44. In conclusion, the proposal would conflict with the development plan and there are no other material considerations, including the Framework, that outweigh this conflict. Therefore, the appeal should be dismissed.

S Burch

INSPECTOR