



Appeal Decisions

Site visit made on 23 September 2025

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

Appeal A Ref: APP/N5660/W/25/3368671

237 Brixton Hill, Lambeth, London, SW2 1NR

- 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 Chadd against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 25/00469/FUL.
 - The development proposed is erection of an extension to existing fourth floor to provide a single one-bedroom residential unit.
-

Appeal B Ref: APP/N5660/W/25/3368672

237 Brixton Hill, Lambeth, London, SW2 1NR

- 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 Chadd against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 25/00468/FUL.
 - The development proposed is erection of an extension to existing fourth floor to provide a single two-bedroom residential unit.
-

Decision

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** The appeal is dismissed.

Main Issues

3. The main issues are the effect of the proposed developments on i) the character and appearance of the host building and its surroundings; ii) fire safety; and iii) sustainable travel.

Reasons

Character and appearance

4. Brixton Hill comprises buildings of various age, height, appearance and use. Whilst there are some six and seven storey residential apartment blocks nearby, these are within large spacious grounds, which separates them from neighbouring buildings and dwellings. The appeal site sits between a Bus Depot and a Church, the ridge heights of which are lower than the appeal property. The buildings directly opposite the site are four storeys with commercial premises at ground floor. Traditional and contemporary, two and three storey residential buildings, occupy the adjacent streets to the side and rear.

5. The appeal property is a recently constructed five-storey building occupied by a Dental Practice on the ground floor with residential apartments above. The ground floor is finished in a mix of buff brick and white render, the first, second and third floors are finished in buff brick, and the fourth floor is finished in zinc cladding. The smaller and inset nature of the top floor is designed to create a stepped roof form that respects the larger buildings fronting Brixton Hill and the lower-level buildings behind it.
6. The two schemes before me would each extend the top floor in a similar manner, with the main differences being the internal floor layout and the external amenity space. Both schemes would match the height and width of the existing top floor and would project the same depth from the existing top floor rear wall. The two-bedroom apartment scheme would have an additional projection resulting from the privacy screening around the proposed flat roof terrace. The photovoltaic panels currently located on the flat roof of the fourth floor would be relocated onto the flat roof of the extension and would be no more visible than they are currently.
7. The proposals would not alter the height or appearance of the building when viewed from the front and would match the design and materials of the existing fourth floor apartments. However, although the extensions proposed would be modest in scale and subordinate to the existing building, extending the top floor further towards the rear, would increase its height, bulk and massing when viewed from the lower-level properties to the side and rear. This would fail to respect the original design objectives of the building, its relationship to adjacent buildings, the scale and form of development in the area which reduces in height to the rear of Brixton Hill, and the outlook and visual amenity of occupiers of dwellings to the side and rear. Although a stepped roof form would be retained, the significantly reduced set back of the top floor would appear particularly dominant and oppressive when viewed from the houses directly to the rear of the site on Rush Common Mews, which have limited separation from the appeal building.
8. I therefore conclude that the proposals would fail to accord with policies Q2, Q5, Q7, Q8 and Q11 of the Lambeth Local Plan 2020-2035 (the LLP), which collectively seek amongst other things to ensure the visual amenity from adjoining sites is not unacceptably compromised by new development, to sustain local character and distinctiveness in terms of bulk, scale, height and massing, and to resist roof additions where they would harm the architectural integrity of the original building or any group of buildings it forms part of.

Fire safety

9. Policy D12(A) of the London Plan 2021 (the LP) requires that all development proposals must achieve the highest standards of fire safety. Policy D12(B) requires that all major development proposals are accompanied by a Fire Statement, comprising an independent fire strategy, produced by a third party, suitably qualified assessor. As neither of the proposals before me constitute major development, there is no requirement for an independent Fire Statement and there is no conflict with policy D12(B).
10. However, it is still necessary to demonstrate how the proposals would meet the criteria set out in policy D12(A) of the LP. The Council has advised that a Fire Statement to demonstrate the proposals would meet the requirements of policy

D12(A) is a validation requirement for all minor developments, but the application was validated and determined without this information being requested.

11. The appellant considers that the risk of fire spreading as a result of the internal layout of the units is a matter for Building Control, and reference is made to a previous fire statement produced in 2019 relating to the original building. However, I have not been provided with a copy of this statement, which would in any event need to be updated to address the current proposals and any changes in regulations that may have occurred since it was produced.
12. Given that the purpose of the policy is to ensure that fire safety is considered from the outset, as opposed to simply relying upon Building Regulations at a later stage, I agree that fire safety matters should not usually be dealt with by a condition, which would delay its consideration and may result in the need for subsequent design changes. However, in the case of the particular proposals before me, which relate to the addition of a single apartment to form part of a recently constructed complex, with existing apartments on the same level, and with shared means of access and egress, it is apparent from the plans and my observations on site, how the site could be accessed by fire appliances, and with firefighting equipment and how occupiers of the building would escape. In light of this, I am satisfied that matters relating to the use of appropriate construction materials and the provision of additional safety features such as fire alarms, smoke detectors, fire extinguishers, sprinkler systems, fire doors and an evacuation strategy could be appropriately dealt with by way of conditions, Building Regulations and other safety legislation.
13. I therefore conclude that the proposed development would be made safe from fire and accordingly there would be no conflict with policy D12 of the LP. In reaching this view I have had regard to fire safety concerns raised by residents of the existing building, but these fall outside of my remit in determining the planning merits of the proposals before me.

Sustainable travel

14. The site is located within a highly sustainable location well served by public transport. There is limited off street car parking within the site, and where on street parking exists nearby, it is restricted by controlled parking zones (CPZ). The proposals to create an additional dwelling have the potential to increase parking stress and traffic congestion in the area.
15. Policy D4 of the LLP states that planning obligations will be sought to ensure that proposals mitigate the impact of the development and/or additional facilities and requirements made necessary by them. This may include, amongst other things, membership of car clubs and parking restrictions. Policy T1 seeks to reduce car dependency and to maximise sustainable modes of travel. Policy T3 requires that a minimum of three years free membership of a cycle hire scheme for all residents regardless of tenure, should be made available in new residential developments, in order to promote sustainable modes of travel and to reduce dependence on the private car. Policy T6 of both the LLP and the LP, seek to ensure car and parking permit free development.
16. The Council's appeal statement for Appeal B states that it received no Unilateral Undertaking (UU) with the appeal documents submitted to them by the appellant. I have no Council Statement for Appeal A. However, the decision notices for both

schemes include a UU in the list of plans and documents submitted. Whilst I have received UUs with each appeal, these are both undated, contain numerous blank and/or missing pages, and refer to an attached plan a signed copy of which is not attached.

17. Whilst I acknowledge the appellant's willingness to enter into an agreement, I can afford very limited weight to the incorrect and incomplete agreements before me. Planning Practice Guidance advises that conditions should not be used to require a planning obligation and states that ensuring that planning obligations are entered into prior to granting planning permission is the best way to deliver sufficient certainty for all parties about what is being agreed. It goes on to encourage parties to finalise planning obligations in a timely manner, in the interests of maintaining transparency.
18. Whilst in exceptional circumstances a negatively worded condition requiring a planning obligation to be entered into before certain development can commence may be appropriate, for example where there is clear evidence that the delivery of the development would otherwise be at serious risk, there are no exceptional circumstances before me in this case. The procedural guidance for appeals and appeal start letters, provide clear timetables for the submission of completed documents.
19. In the absence of suitably completed agreements, the developments would fail to promote sustainable modes of travel, or to prevent increased parking stress and congestion, as is required by policies D4, T1, T3, and T6 of the LLP and policy T6 of the LP. However, I find no conflict with policy T7 of the LLP, which relates to servicing.

Other Matters

20. I am advised that the site lies within the Rush Common and Brixton Hill Conservation Area (CA) and that there are listed and locally listed buildings close to the site. Whilst the Council has not referred to any harm to any heritage assets, the statutory duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, require me to consider the effect of the developments upon these. I have been provided with no conservation area appraisal or listing descriptions, only a plan identifying the boundary of the CA, and very limited information regarding the significance of the assets.
21. As I am dismissing the appeal anyway, the heritage assets would be preserved, and I have not requested any additional information given that it would not alter my decision. However, based upon the limited evidence before me and my own observations, I am satisfied that the proposals would preserve the character of the CA as a whole, the significance of which is derived from the open common land and its landscape features fronting Brixton Hill, groups of Victorian terraced housing, the shopping parade opposite the site and various landmark buildings of architectural and/or historic interest, including the locally listed former tramway depot adjacent to the site. I am also satisfied that the proposals would preserve the nearby listed buildings opposite and to the rear of the site, and their settings, the heritage significance of which is derived from their age, surviving architectural features and historic use.

Planning Balance and Conclusion

22. It is undisputed that the Council is unable to demonstrate a five-year supply of deliverable housing sites. As such paragraph 11 of the National Planning Policy Framework (the Framework) is engaged, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
23. The proposals to create an additional single one or two bedroom apartment would have a very modest effect on the Council's overall housing supply. Nevertheless, I afford this moderate weight, particularly having regard to the highly sustainable location of the site and the effective use of previously developed land.
24. However, the harm to the character and appearance of the area, together with the absence of adequate measures to promote sustainable travel and car/parking permit free development, significantly and demonstrably outweighs the benefits.
25. The proposals would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Consequently, I conclude that the appeals should be dismissed.

R Bartlett

INSPECTOR