



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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Bristol BS2 9DJ

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Stat Reg.

Mr A Worthington
The Studio
23 Arragon Gardens
Streatham
LONDON
SW16 5LY

Your Ref:

-

Our Ref:

T/APP/N5660/A/97/278656/P4

Date:

20 AUG 1997

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY LEWIS AND CO
APPLICATION NO: 96/3337/23219

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Council of the London Borough of Lambeth to refuse planning permission in respect of an application for the retention of large steel shelving units on land at 6 Streatham Common South, London SW16. I have considered the written representations made by you and by the Council and those representations made directly to the Council which have been forwarded to me. I inspected the site on 16 July 1997.
2. The site lies within the Streatham Common Conservation Area CA43 and I have had regard to the requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Conservation Area consists of Streatham Common and a margin of one building depth on most boundaries.
3. You have suggested that planning permission may not be required but I must determine the appeal on its merits. The planning application which gave rise to this appeal originally sought permission to retain 37 racks (4.6m high) and to erect 5 additional racks (3m high). The application was modified by your letters of 30 December 1996 and 6 January 1997 to omit the additional units and to reduce the height of 27No. units to 3.6m. It was on this basis that the application was decided and on which I will consider the appeal.
4. From my inspection of the site and its surroundings and my consideration of the written representations, I am of the opinion that the main issues are firstly, whether the use of the structures would preserve or enhance the Conservation Area and secondly, whether the outlook from residential properties would be unacceptably affected.
5. The policy background is provided by the Lambeth Unitary Development Plan, Modified Deposit Draft, February 1996. This is not yet a statutory development plan but I

consider it to be a material consideration. The Council has draw attention to Policy C3 which addresses proposals for development in Conservation Areas.

6. The appeal site covers an area of about 0.28h with a frontage to Streatham Common South between Greenvale Nursing Home on the west, and large tall Victorian dwellings on the east. Charles Mills Court and other dwellings fronting Baldry Gardens back onto the site. The use as a builders yard appears to be long established and there are some ranges of buildings used for storage and offices. The main building has been reduced in height to a single storey about 4m in height with a flat roof. A wide range of largely heavy building materials are stored in the yard. Bricks and blocks are mainly on pallets and these are stacked to a height of 4-5m. The steel shelving units contain a wide range of goods and many of these are on pallets. The existing height of the structures would enable goods to be stored above or at least equal to the height of the stacked bricks. However, at the modified height the units would merge into the general open storage and not be in any way intrusive. I conclude on the first issue that the use of the structures at the reduced height would preserve the appearance of the Conservation Area.

7. The objectors at the application stage were largely concerned by the height of the units and in particular at the prospect of the additional units near the entrance. I consider that the modified scheme would substantially meet these objections. The other objections raised by residents related to matters which are not covered by this appeal. The appearance of the site from the Baldry Gardens properties is clearly illustrated by photograph B which you submitted. The removal of the uprights and top shelf from each of the units in the area which backs on to Baldry Gardens would leave the remainder of the units at or below the level of the open storage and therefore would be almost invisible from that direction. The operational benefits would outweigh any remaining objections to the appearance of the units. I conclude on the second issue that the outlook from residential properties would not be unacceptably affected.

8. I have taken into account all the other matters raised in the representations but they do not outweigh the considerations which have led to my decision,

9. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the retention of 37 large steel shelving units on land at 6 Streatham Common South, London SW16 in accordance with the terms of the application (No 96/3337/23219) dated 5 August 1996 and the plans submitted therewith, as amended by letter with plan dated 30 December 1996 and the letter dated 6 January 1997, subject to the following condition:

1. the height of the units shall be reduced to that specified on Plan No.CMN-1i, dated August 1996 as modified by letters dated 30 December 1996 and 6 January 1997 within 2 months of the date of this letter and no goods shall be stored on any unit above the level of the top of that unit.

10. The developer's attention is drawn to the enclosed note relating to the requirements of the Building Regulations 1991 with respect to access for disabled people.

11. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

12. Your attention is drawn to the provisions of Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires consent to be obtained prior to the demolition of buildings in a conservation area.

Yours faithfully



F L CROSS MRTPI FRSH
Inspector

LAMBETH

S. REC
Town Planning Division
Courtenay House
9-15 New Park Road
London SW2 4DU

References

Yours:

Ours: DC/96/3339/ CO/23219

Date of Decision: 20th May 1997

DECISION NOTICE.

Dear Sir(s)/Madam,

TOWN AND COUNTRY PLANNING ACT 1990.

=====
CONSERVATION AREA CONSENT
=====

Notice is hereby given that the Council, in pursuance of its powers under the above mentioned Act and Rules, Orders and Regulations made thereunder, grants consent for the works referred to in the under mentioned Schedule subject to any conditions set out therein and in accordance with the plans submitted, save in so far as may otherwise be required by the said conditions.

Your attention is drawn to the Statement of Applicant's Rights and General Information attached.

SCHEDULE

~~~~~  
Date of Application: 12th August 1996  
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Reg'd No: 96/3339/23219
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~~~~~  
Location: 6 STREATHAM COMMON SOUTH, SW16.
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~~~~~  
Proposal: Demolition to facilitate the widening of vehicular access, the installation of new gates and the erection of new front boundary wall. (Regd. plan nos.23219/96/3339/A. Applicant's plan Nos.CMN-2i).
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~~~~~  
Condition(s):
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- 01 Except where stated otherwise on the approved drawings, all new works and works of making good to the retained fabric shall be finished to match the adjacent work with regard to the methods used and to material, colour, texture and profile.
- 02 The demolition authorised by this consent must be begun not later than the expiration of five years from the date hereof.
- 03 The development shall not be carried out otherwise than in strict accordance with the plans herein approved without the prior consent in writing of the Local Planning Authority.

A. Worthington  
23 Arragon Gardens  
Streatham  
London SW16 5LY

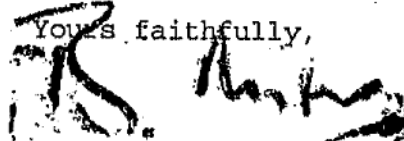
# LAMBETH

Town Planning Division  
Courtenay House  
9-15 New Park Road  
London SW2 4DU

Reason(s):  
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- 01 To ensure that the external appearance of the building(s) is satisfactory.
- 02 To comply with Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 03 To ensure that the external appearance of the premises is satisfactory.

Yours faithfully,



Chief Planning Officer - D.E.S.
Planning & Technical Services

LAMBETH

S. RSG
Town Planning Division
Courtenay House
9-15 New Park Road
London SW2 4DU

References

Yours:

Ours: DC/96/3338/ CO/23219

Date of Decision: 20th May 1997

DECISION NOTICE.

Dear Sir(s)/Madam,

TOWN AND COUNTRY PLANNING ACT 1990
and orders made thereunder.

=====
PERMISSION FOR DEVELOPMENT
=====

The London Borough of Lambeth hereby permits under the above mentioned Acts and the Orders made thereunder the development referred to in the under mentioned schedule subject to any conditions set out therein and in accordance with the plans submitted, save in so far as may otherwise be required by the said conditions.

In accordance with the statutory provisions your attention is drawn to the Statement of Applicant's Rights and General Information attached.

SCHEDULE

~~~~~  
Date of Application: 12th August 1996  
~~~~~

Reg'd No: 96/3338/23219
~~~~~

Location: 6 STREATHAM COMMON SOUTH, SW16.  
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Proposal: Construction of an enlarged vehicular access, the
~~~~~ installation of new gates and the erection of new front boundary wall. (Regd. plan Nos.23219/96/3338/A. Applicant's plan Nos.CMN-2i).

Condition(s):  
~~~~~

- 01 All new works and works of making good to the retained fabric shall be finished to match the adjacent work with regard to the methods used and to material, colour, texture and profile.
- 02 The development to which this permission relates must be begun not later than the expiration of five years from the date hereof.

Reason(s):
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- 01 To ensure that the external appearance of the building(s) is

A. Wörthington  
23 Arragon Gardens  
Streatham  
SW16

# LAMBETH

Town Planning Division  
Courtenay House  
9-15 New Park Road  
London SW2 4DU

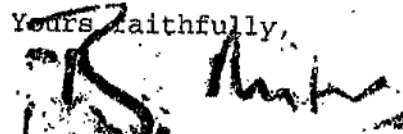
satisfactory.

02 To comply with Section 91 of the Town and Country Planning Act 1990.

Note(s) to Applicant:  
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01 This decision letter does not convey an approval or consent which may be required under any enactment, byelaw, order of regulation, other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully,



Chief Planning Officer - D.E.S.
Planning & Technical Services

LAMBETH

Town Planning Division
Courtenay House
9-15 New Park Road
London SW2 4DU

References

Yours:

Ours: DC/96/3337/ CO/23219

S. REG.

Date of Decision: 17th February 1997

DECISION NOTICE.

Dear Sir(s)/Madam,

TOWN AND COUNTRY PLANNING ACT 1990
and orders made thereunder.

=====
REFUSAL OF PERMISSION TO DEVELOP
=====

The London Borough of Lambeth hereby refuses to permit under the above mentioned Acts and the Orders made thereunder the development referred to in the under mentioned schedule as shown on the plans submitted.

Your attention is drawn to the Statement of Applicant's Rights attached.

SCHEDULE

~~~~~  
Date of Application: 5th August 1996  
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Reg'd No: 96/3337/23219
~~~~~

Location: 6 STREATHAM COMMON SOUTH, SW16.  
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Proposal: The installation of storage racks 4.6m and 3.6m high.
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(Regd. plan nos.23219/96/3337/A. Applicant's plan Nos.  
CMN-1i (amended by letter dated 6/1/97).

Reason(s):  
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- 01 The proposal would cause unacceptable harm to the character and appearance of the Conservation Area within which the site is located, and would result in unacceptable loss of amenity to adjoining residential properties, by reason of appearance, loss of outlook and proximity to residential boundaries.

Yours faithfully,


Chief Planning Officer - D.E.S.
Planning Technical Services

A Worthington
23 Arragon Gardens
London
SW16 5LY

DC/TW/enk/23219

Directorate of Development Services

T.P.6a

Edward Hollamby OBE FRIBA FRTP DipTP(Lond)
Director of Development

Town Planning

WA/1122

2-2 JUL 1980

LAMBETH

London Borough of Lambeth
138-146 Clapham Park Road
London SW4

01-274-7722 extension

Dear Sir(s).

Town and Country Planning Act 1971 and Orders made thereunder

Conditional Permission for Development

The London Borough of Lambeth hereby permits under the above mentioned Act and the Orders made thereunder the development referred to in the under mentioned schedule subject to the conditions set out therein and in accordance with the plans submitted, save in so far as may otherwise be required by the said conditions.

In accordance with the statutory provisions, your attention is drawn to the Statement of Applicant's Rights endorsed hereon.

Schedule

Date of application: **28th April, 1980.**

Plans submitted: **Regd. No. 23219/3** **Applicant's plan No. 1088 (amended in red)**

Development: **The erection of a single storey storage building and a single store shop/display/storage/office building in connection with the building yard at 6 Streatham Common South, Lambeth.**

Conditions

- (1) Full details, including samples, of the facing materials to be used on the building shall be submitted to and approved by the Local Planning Authority before any work on the site is commenced.
- (2) The development to which this permission relates must be begun not later than the expiration of five years from the date hereof.

Reasons

- (1) To ensure that the external appearance of the building is satisfactory.
- (2) To comply with Section 41 of the Town and Country Planning Act, 1971.

Yours faithfully,



Department of the Environment
Cannon House Tothill Street London SW1H 9LZ

Telephone 01-231 6540 Ext 271

WA | 1122 | - 23210

Messrs Corsellis and Darney
13 Redford Row
Holborn
LONDON

Your reference

Our reference
AEP/1122/1/62565
Date 10 OCT 72

(L3)

| | |
|--|---|
| DIRECTORATE of ADMINISTRATION & LEGAL SERVICES LAMBETH | |
| Recd. 11 OCT 1972 | |
| No. of Register | 1 |

Gentlemen:

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 56
(FORMERLY SECTION 23 OF THE 1962 ACT)
APPEAL BY GORRYE (BATHAM) LIMITED
APPLICATION NO. DC/AC/012/SC/73219

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector, Mr P R D Zervas AMEC, HMP, DMP, who held a local inquiry into your clients' appeal against the decision of the Council of the London Borough of Lambeth to refuse planning permission for retention of a diesel oil storage tank on land at No. 6 Streatham Common South, Streatham, London SW15. A copy of the report is enclosed.

2. The Inspector said in his conclusions:-

a. I am of the opinion that the determining issues are firstly whether the retention of the storage tank involves the undesirable consolidation of a non-conforming use and secondly, if not, whether, in the interests of the vicinities of the residents of surrounding dwellings, the retention of the tank should be subject to the provision of a suitable form of screening.

b. On the first issue, the area within which the appeal site is situated possesses pleasant environmental conditions of a pronounced residential character in further enhanced by the proximity of the trees covering the space provided by Streatham Common, which create an attractive visual contrast with the residential area.

c. In my view the appeal site closely conflicts with this general character appearing as a visual intrusion into a street scene which is primarily of quality residential properties. Whilst it must be accepted that the site has established use rights which allow continuation of its non-conforming use, there is no sound reason for permitting any further consolidation of those rights which in my opinion could only be achieved to the disadvantage of the vicinities of the area.

d. It is my opinion that the retention of the 3,000 gallon storage tank could afford facilities for both a substantial increase in the activities carried on the site and the number of vehicles operating from it.

e. Whilst I have no reason to question the appellants' intention to operate a larger vehicle fleet than they have at present, the large number of vehicles could result in a substantial increase in the number of vehicles circulating in the area.

facilities being available, permitting an expansion of the appellants' business, not foreseen or anticipated by them at the present time, or a more intensive use of the site subsequent upon a change of ownership.

f. I consider that in the interests of the visual amenities and residential character of the area, such possibilities should not be encouraged to develop by sanctioning the retention of the storage tank.

g. On the second issue, I do not consider that the tank is visually obtrusive or detrimental to the visual amenities of the adjacent properties. In my view, the cost of transferring the tank inside one of the existing brick structures or placing it underground is not warranted in relation to the original visual improvement that would be gained. Whilst screening its present site would be possible, such screening to be effective would need to be not less than about 11 ft high. This of itself would have a far greater impact on the visual amenities in my view than is now caused by the tank. I consider the most effective treatment would be the painting of the tank and ladder in a neutral or more harmonious colour than the black that has been used, rendering the tank less conspicuous and blending it with its surroundings."

The Inspector recommended that the appeal should be dismissed.

3. The Secretary of State agrees with the Inspector's conclusions and accepts his recommendation. Therefore he hereby dismisses your clients' appeal.

I am Gentlemen
Your obedient Servant

J. C. LEPPARD

Authorized by the Secretary of State
to sign in that behalf

J.C.

Department of the Environment
2 Marsham Street, London SW1P 3BB.

Under the provisions of section 245 of the Town and Country Planning Act 1971 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date when the decision is given. (This procedure applies both to decisions of the Secretary of State and to decisions given by an Inspector to whom an appeal has been transferred under paragraph 1(1) of Schedule 9 to the Town and Country Planning Act 1971.)

The grounds upon which an application may be made to the Court are:-

1. that the decision is not within the powers of the Act (that is, the Secretary of State or Inspector, as the case may be, has exceeded his powers); or
2. that any of the relevant requirements have not been complied with, and the applicant's interests have been substantially prejudiced by the failure to comply.

"The relevant requirements" are defined in section 245 of the Act: they are the requirements of that Act and the Tribunals and Inquiries Act 1971 or any enactment replaced thereby, and the requirements of any order, regulations or rules made under those Acts or under any of the Acts repealed by those Acts. These include the Town and Country Planning (Inquiries Procedure) Rules 1959 (SI 1959 No 1092), which relate to the procedure on cases dealt with by the Secretary of State, and the Town and Country Planning Appeals (Determination by Appointed Persons) (Inquiries Procedure) Rules 1968 (SI 1968 No 1952), which relate to the procedure on appeals transferred to Inspectors.

The right to make an application under section 245 as a "person aggrieved" is limited to the appellant or applicant (as the case may be) and persons whose legal rights have been infringed. The local authority who are directly concerned with the case are given a similar right of appeal.

A person who thinks he may have grounds for challenging the decision should seek legal advice before taking any action.

COUNCIL OF THE LONDON BOROUGH OF LAMBETH

APPEAL

by

MISSUS GODFREY (BALHAM) LTD

Inspector: P. R. D. Youngs ARLOS: MATTI Diaper

Date of Inquiry: 15 August 1972

File No: APF/4423/A/63665

2 Marchon Street
London SW11

September 1972

To The Right Honourable Peter Walker, MBE, MP
Secretary of State for the Environment

Sir

I have the honour to report that on Tuesday, 15 August 1972 I held an inquiry at Lambeth Town Hall, Brixton Hill, London SW16 into an appeal by Messrs Cadbury (Bakers) Ltd under section 23 of the Town and Country Planning Act 1952 (now section 26 of the 1971 Act) against the refusal of the Council of the London Borough of Lambeth to permit the retention of a diesel oil storage tank on land at No 6 Streatham Common South, Streatham, London, SW16.

1. The Reasons for Refusal are:-

- a. The proposal involves the consolidation of an undesirable non-conforming user in a predominantly residential area.
- b. It is considered that the structure is detrimental to the visual amenity of the adjoining residential properties.

2. This report includes a description of the appeal site and surroundings, the gist of the representations made at the inquiry, and my findings of fact, conclusions and recommendations. Lists of appearances, documents, plans and photographs are attached.

THE SITE AND SURROUNDINGS

3. The diesel oil storage tank, the subject of this appeal, is situated on land owned by the appellants at No 6 Streatham Common South, Streatham, and used by them as a builders' merchants' depot. The appeal site is approximately 50' deep, having a frontage to Streatham Common South of some 63 ft, an overall depth of some 270 ft and an area of some 0.7 acres.

4. The greater part of the site is an open ~~concrete~~ surfaced area bounded by a number of buildings abutting the site boundaries. Close to the entrance is a building used as offices; along the rear part of the north-east boundary are the diesel oil storage tank and a row of open sheds for agricultural use; along the south-east boundary are a tyre replacement workshop, covered storage area and show-rooms and along the north-west boundary are a vehicle maintenance workshop and vehicle spare store. At the time of the inquiry there were limited quantities of bricks and building blocks stacked along the rear boundary.

5. Surrounding the site to the north-east, north-west and south-west are residential areas of residential development. Adjoining the site to the north is a residential frontage development in Streatham Common South and the immediate south side of the site are dwellings in Dale Gardens and 100 ft distant to the south are dwellings in York Court and 10 ft distant, the gardens of these dwellings abut the common boundaries with the appeal site.

6. Other than for a block of three storey flats - Charles Mills Court, situated in Ebury Gardens, and some 120 ft distant from the appeal site, the surrounding dwellings are predominantly two storey detached and semi-detached houses.

7. Immediately adjoining the south-western boundary of the site are the grounds of a nursery home, extending to some 0.7 acres and containing a substantial three storey building, with smaller buildings to the rear.

8. To the north-west and on the opposite side of Steatham Common South to the appeal site, is Steatham Common, an extensive area of public open space. In the vicinity of the appeal site, the Common is open grassland, criss-crossed by public footpaths and lined by mature trees around its perimeter.

9. Steatham Common South is a local road of predominantly residential appearance having a carriageway, some 20 ft in width with a footpath some 6 ft wide on the appeal site side. The road is not subject to parking restrictions.

THE CASE FOR THE APPELLANTS

The material points are:-

10. The appeal premises have an undisputed long standing use as a builders yard and materials depot with ancillary use rights for the refuelling and servicing of vehicles.

11. The appeal premises were purchased in March 1971 after verification has obtained from three previous occupiers as to the nature of their businesses. These statements cover the years extending back to 1939.

12. A fleet of some 10 lorries are operated from the site averaging a daily mileage each of some 150-250 miles. With fuel consumption averaging 6 miles per gallon, total daily consumption is around 300 gallons.

13. At the time of purchase, there was a 1,000 gallon underground fuel storage tank on the site but this tank proved inadequate to meet the transport refuelling requirements necessitating fuel deliveries being made every second or third day.

14. Installation of the 3,000 gallon storage tank was undertaken following approval of the works by the Council's District Surveyor and the Greater London Council's Petroleum Officer. It was not appreciated at the time that planning permission was also required.

15. The appellants are prepared to meet the visual amenity objection by suitable screening of the storage tank in its present position; by relocating it within one of the brick structures on the site or by installing it underground. For reasons of cost, the first solution is preferred.

16. In the absence of any stated intention by the Council to seek statutory discontinuance of the existing uses, the appellants have every intention of carrying on their business at its present level of operation. Failure of the appeal would therefore mean having to revert to the use of the 1,000 gallon storage tank with resultant increase in the frequency of fuel deliveries. This could only be to the disadvantage of the amenities of the area.

17. The number of lorries operating from the site is no more than that of previous occupiers. The Council's refusal on grounds of amenity is therefore not valid. Notwithstanding its invalidity, the Council has alternatively requested a consolidation of the site.

18. Apart from the advantages to the neighbourhood of less frequent fuel deliveries necessary with a larger tank, the bulk purchase of larger quantities of fuel is cheaper and permits greater operational efficiency.

THE CASE FOR THE PLANNING AUTHORITY

The material points are:-

19. The appeal site is within an area notified for residential purposes in the Initial Development Plan for Greater London. Whilst it is accepted that the site possesses non-conforming use rights as a builders yard and storage depot with ancillary rights for the refuelling and servicing of vehicles, further consolidation of these uses would be undesirable in view of the detrimental effect this would have on the residential character and visual amenities of the area.

20. The retention of the 3,000 gallon storage tank in lieu of the original 1,000 gallon tank would provide opportunity for a substantially larger number of vehicles to be refuelled and operate from the site. On the basis of average mileage and fuel consumption per vehicle quoted by the appellants the increase over the present number could be threefold. An increase of this nature would constitute a clear consolidation of the existing use, contrary to the proposals of the Development Plan.

21. A planning permission could not be restricted to a specified number of vehicles. Notwithstanding that the appellants' lorry fleet may be no larger in numbers than that of previous occupiers, their vacation of the site at any future date with the benefit of the planning permission now sought, could lead to the subsequent re-occupation of the site by a firm possessing a substantially larger lorry fleet.

22. Planning permissions granted in the past have been for minor alterations and extensions only. Proposals of a major nature such as the extension of the site onto adjoining land and the erection of large buildings which would have led to a consolidation of the use, have been rejected.

23. The storage tank has been installed immediately adjoining the rear boundary wall of Nos 7, 8 and 9 Straathan Common South, above which it protrudes some 7 ft detracting from the visual amenities of those properties. Any question of the tank being allowed to remain should be conditional on it being screened. This could be satisfactorily achieved by any one of the methods suggested by the appellants.

24. Complaints from local residents have been received by the Council to the effect that vehicles owned by the appellants but not stationed at the site are using it as a refuelling depot. A subsequent count of vehicles entering and leaving the site on the 14 July 1972 showed 65 vehicle movements of which 16 were made by 3 vehicles arriving and departing with intact leads, no apparent unloading or loading having taken place.

THE CASE FOR INTERESTED PARTIES

The following points are made:-

25. Mr C J Robins, owner/occupier of No 12 Straathan Common South, situated some 200 ft to the north east of the appeal site referred to the five points listed in his letter of representation dated 31 July 1972. He expressed objection to the installation of a storage tank would conflict with the residential character of the area; would aggravate the present intolerable noise nuisance.

traffic hazards from heavy lorries entering and leaving the site and would introduce fire hazards. He pointed to the desirability of relocating the non-combusting use to a less congested area.

26. Mr D O Perse, owner/occupier of No 11A Streatham Common South, situated some 130 ft to the north-east of the appeal site, stated that the rear garden of his house extended to within 40 ft of the site. He expressed the view that the current use of the site was more in the nature of an earth moving business than that of a builders merchants. He complained of the noise nuisance from various sources within the site which often occurred from 6 am until 7.30 pm on weekdays and frequently into the late afternoon on Saturdays. Whilst previous occupiers of the site had not given cause for complaint he considered the present use of the site totally out of accord with the residential character of the area.

27. Mr L A Clowes, owner/occupier of No 8 Streatham Common South, situated some 30 ft to the north-east of the appeal site, stated that the rear boundary of his property adjoined the appeal site and that the storage tank had been installed immediately beyond that boundary. He referred to the noise nuisance which occurred from early morning to late at night including Saturdays and Sundays; the fire hazards from the tank being so close to his boundary where it has been his custom to burn garden refuse and the unsightly appearance of the tank. He had had no cause for complaint prior to the appellants occupying the site but he considers the present activities should not be permitted in a residential area.

28. A petition in the names of 56 local residents was submitted expressing objection on grounds of deterioration in the environmental quality of the neighbourhood since occupation of the site by the appellants; traffic hazards from traffic movement to and from the site and excessive noise, vibration and air pollution caused by these vehicles.

FINDINGS OF FACT

29. I find the following facts:-

- i. The appellants are the owners of the appeal site, No 6 Streatham Common South extending to some 0.7 acres.
- ii. A 3,000 gallon diesel oil storage tank has been installed in the south-east part of the site without planning permission and approval is now sought for its retention.
- iii. The appeal site is within an area notated for residential use in the Initial Development Plan for Greater London.
- iv. The site possesses existing use rights as a builders yard and storage depot with ancillary use rights for the refuelling and servicing of vehicles.
- v. The site is surrounded by residential development to the north-east, south-east and south-west and by a nursing home to the south-west. Further to the north-east and north-west is the extensive area of Streatham Common, a public open space.
- vi. The site has frontage and vehicular access to Streatham Common, a local residential road having a carriageway of some 20 feet wide and 6 ft wide on the appeal site side. At the time of the hearing considerable kerb side parking was taking place on the site.

maintenance of vehicles and offices. Parts of the site were being used for the open storage of imperious type building materials.

viii. The diesel oil storage tank is some 13 ft long and 7 ft in diameter. It has been set on brick supports and surrounded by a brick wall base. A steel ladder and platform gives access to the top of the tank for refuelling purposes. The tank has an overall height from ground level of some 10 ft, inclusive of the access platform, the whole structure is some 14 ft high. Both tank and ladder are painted matt black.

ix. The tank has been installed immediately adjoining the rear boundary walls of Nos 7, 8, and 9 Streatham Common South. These walls, of brick and concrete post and panel construction respectively are both some 2 ft high.

x. Under a previous planning permission, there is a 10 ft high concrete tank installed underground on the site which was used by the applicant for a short period following their initial occupation.

CONCLUSIONS

30. Bearing in mind the above facts, I am of the opinion that the determining issues are firstly whether the retention of the storage tank, ladder and the undesirable consolidation of a non-conforming use and secondly, if not, whether in the interests of the visual amenities of the residential area, the retention of the tank should be subject to the provision of a suitable form of screening.

31. On the first issue, the area within which the appeal site is situated possesses pleasant environmental qualities of a pronounced residential character. This character is further enhanced by the proximity of the large expanses of open space provided by Streatham Common which creates an attractive visual relationship with the residential area.

32. In my view the appeal site clearly conflicts with this general character, appearing as a visual intrusion into a street scene which is primarily of good quality residential properties. Whilst it must be accepted that the site possesses established use rights which allow continuation of its non-conforming status, I see no sound reason for permitting any further consolidation of those use rights, which in my opinion could only be achieved to the disadvantage of the residential amenities of the area.

33. It is my opinion that the retention of the 3,000 gallon storage tank could afford facilities for both a substantial increase in the activities carried on at the site and the number of vehicles operating from it.

34. Whilst I have no reason to question the applicant's statement that they have no intention to operate a large vehicle fleet from the site, the fact that they have at present, the impracticability of increasing the use of the storage tank to refuelling that number of vehicles, stands against the retention of the tank as facilities being available, permitting an extension of the applicant's use, not foreseen or anticipated by them at the present time, or a more extensive use of the site subsequent upon a change of ownership.

35. I consider that in the interests of the visual amenities and residential character of the area, such proposals should be subject to a condition, whereby by condition, the installation of the storage tank.

36. On the second issue, I do not consider that the tank is a visual intrusion

M2312

detrimental to the visual amenities of the adjacent properties. In my view, the cost of transferring the tank inside one of the existing brick street-cum or placing it underground is not warranted in relation to the marginal visual improvement that would be gained. Whilst screening its present site would be possible, such screening to be effective would need to be not less than some 11 ft high. This of itself would have a far greater impact on the visual amenities in my view than is now caused by the tank. I consider the most effective treatment would be the painting of the tank and ladder in a neutral or more harmonious colour than the black that has been used, rendering the tank less conspicuous and blending it with its surroundings.

RECOMMENDATION

37. I recommend the appeal be dismissed.

I have the honour to be
Sir
Your obedient Servant

P R D YOUNGS

ATTENDANCE

FOR THE APPELLANTS

Mr D Keene

- of Counsel instructed by Messrs Cornallia and Boney, Solicitors 13 Bedford Row Holborn London.

He called:

Mr H H Cory AMISVA

- of Messrs Westbury, Estate Agents 120 Streatham Hill London.

Mr R F Ash JP

- Chairman of the appellant company.

Mr C J Ash

- Managing Director of the appellant company.

FOR THE PLANNING AUTHORITY

Mr J. M. F. Innes

- Principal Solicitor Clerk's Department London Borough of Lambeth.

He called:

Mr K Hyland BA MPTPI

- Group Leader Development Central Section Directorate of Development Services London Borough of Lambeth.

Mr J Peters MPTPI

- Planning Assistant.
- Ditto -

INTERESTED PERSONS

Mr D O Neast

- 11A Streatham Common South, Streatham SW16.

Mr C J Robins

- 12 Streatham Common South, Streatham SW16.

Mr L A Clewton

- 8 Streatham Common South Streatham SW16.

DOCUMENTS

Document 1 - List of persons present at the inquiry.

" 2 - Notice of inquiry and list of persons notified.

" 3 - Letters of representation in response to Notice of Inquiry and previous correspondence from objectors.

- submitted by Planning Authority.

" 4 - Letter of representation handed in at commencement of inquiry (with photographs see below).

" 5 - Petition in the names of 56 local residents - handed in by Mr Fennell.

" 6 - Copies of letters to previous occupants of individual plots and to London Borough of Lambeth.

DOCUMENTS CONT'D

- M2312
- Document 7 - Copies of letters of complaint by local residents and letters submitted by appellants in support of their planning application. - submitted by Planning Authority.
 - " 8 - Copies of letters of objection from local residents to notice of planning application. - ditto
 - " 9 - Copies of previous planning decisions in respect of appeal premises. - ditto
 - " 10 - Schedule of registration numbers of vehicles entering or leaving appeal premises 7-11 August 1972. - ditto
 - " 11 - Schedule of diesel fuel deliveries to appeal premises 14 June-26 August 1971. - Submitted by appellant witness.

PLANS

- Plan A - Application plan.
- " B - Extract from approved Town Map and Land Use Plan of area surrounding Appeal premises. - Submitted by Planning Authority

PHOTOGRAPHS

- Photo 1-11 - Views of appeal premises and surrounding properties. - submitted by Council for the appellants.
- " 12-20 - Views of lorries leaving and entering appeal premises - Submitted by Planning Authority.
- " 21-25 - Submitted with letter of representation (see Document 4 above) - Submitted by S K Chadda

See reverse of photographs for numbers and details.

LAMBETH

AC/JWP/SC/23219

19 JAN 1972

London Borough of Lambeth
138-146 Clapham Park Road
London SW4

01-274 7722 extension **82**

Dear Sir(s):
**Town and Country Planning Acts, 1962 to 1968 and Orders made thereunder
London Government Act 1963**

Refusal of Permission to Develop

The London Borough of Lambeth hereby refuses to permit under the above mentioned Acts and the Orders made thereunder the development referred to in the under mentioned schedule as shown on the plans submitted.

Your attention is drawn to the Statement of Applicant's Rights which is set out overleaf.

Schedule

Date of application: **16th November, 1971**

Plans submitted: **Regd. No: 23219/1 (Applicant's plan No. SC/1)**

Development: **Retention of a diesel oil storage tank at 6 Streatham Common
South, Lambeth.**

Reasons:

- (1) **The proposal involves the consolidation of an undesirable non-conforming user in a predominantly residential area.**
- (2) **It is considered that the structure is detrimental to the visual amenities of the adjoining residential properties.**

Notes to applicant:

- (1) **You are advised that the use of the tank should be discontinued and the structure removed.**
- (2) **You are reminded of the Council's powers under Section 15 of the Town and Country Planning Act 1968 to secure compliance with the above decision.**

Edward Hollamby

London County Council

ARCHITECT'S DEPARTMENT

TOWN AND COUNTRY PLANNING ACT, 1962, SECTION 19 (4)

Telephone:

WATERLOO 5000

EXTENSION **7524**CASE NO. **WA/1122/6/REG** REGISTER OF APPLICATIONSApplicant's
Ref.**PJK/NE**

PERMISSION FOR DEVELOPMENT (CONDITIONAL)

19. JUN. 1964

Date of Council's decision*

18/6/64

Particulars of an application under the Town and Country Planning Act, 1962, and the Town and Country Planning (General Development) Order, 1963.

Particulars of any direction in respect of the application under the above-named Act and Order: None Issued.

*Council's Decision. Permission granted for the development referred to in the undermentioned schedule as shown on the plans submitted, subject to the conditions referred to.

SCHEDULE

of application: **11 March 1964**

Plans submitted Nos.: **7098 (your Drawing Nos. S/1,2,3)**

Development: **The erection of a first floor extension over part of existing single-storey building at No. 6 Streatham Common South Side, Wandsworth.**

Conditions: **Detailed elevations of the building and full particulars of the proposed external materials (including colour and texture) shall be submitted to and approved by the Council before any work on the site is commenced.**

Reasons: **To ensure that the Council may be satisfied as to the external appearance of the building.**

Other Information

Attention is drawn to Section 34 (means of escape) London Building Acts (Amendment) Act, 1939.

Name and address of applicant.

**The Secretary
Kleine Reinforced Concrete Ltd.
1/13 George Street**

Certified that this document contains a true record of a decision of the Council.

Signed

DM Bannin



London County Council

ARCHITECTS DEPARTMENT

TOWN AND COUNTRY PLANNING ACT, 1947, SECTION 14 (5)

REFUSAL OF PERMISSION TO DEVELOP

TP/8R

Ref. No.

WA/1122/6

Telephone : WATERLOO 5000
Extension 7237

CASE NO. WA/1122/6/TP

REGISTER OF APPLICATIONS

JAN 1961

APPLICANT'S REF. VC

Date of Council's decision*

5.1.61

Particulars of an application under the Town and Country Planning Act, 1947, and the Town and Country Planning (General Development) Order, 1950.

Particulars of any direction under the above-named Act and Order: None Issued.

Council's decision*. Permission refused for the development referred to in the undermentioned schedule as shown on the plans submitted.

SCHEDULE

Date of application : 10 November 1960

Plans submitted No.: 18619 (Your No. 60/71)

Development : The use of land rear of Nos. 8 and 9 Streatham Common South Side for storage purposes forming an extension to existing adjoining premises at No. 6 Streatham Common South Side, Wandsworth.

Reasons for refusal: (1) The proposal is contrary to the Council's planning proposals for the area which is zoned in the Approved Development Plan for residential purposes only.

(2) The proposal is considered to be an undesirable and inappropriate form of development involving the extension to and consolidation of, the existing non-conforming use of the adjoining premises in an area predominantly residential in character.

XXXXXXXXXX

Name and address of applicant.

Messrs. G.L. Hearn and Partners
King's Head Yard
Borough High Street
S.E.1

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXX

Certified that this document contains a true record of a decision of the Council.

Signed

(5) The proposal is likely to affect adversely the residential amenities of the adjacent properties by reason of the noise and disturbance involved in this type of use.

Yours faithfully,

HUBERT BENNETT,

Architect to the Council
duly authorised by the
Council to sign this
document

M.2312



London County Council
ARCHITECT'S DEPARTMENT

Ref. No. WA/1122/6
TP/6R

TOWN AND COUNTRY PLANNING ACT, 1947, SECTION 14 (5)

PERMISSION FOR DEVELOPMENT
REGISTER OF APPLICATIONS

Telephone: WATERLOO 5000
Extension 7237
CASE No. WA/1122/6/TP
APPLICANT'S REF. AEG/AEF/601

2 SEP 1960

Date of Council's decision*
1-9-60

Particulars of an application under the Town and Country Planning Act, 1947, and the Town and Country Planning (General Development) Order, 1950.

Particulars of any direction under the above-named Act and Order: None Issued.

*Council's Decision. Permission granted for the development referred to in the undermentioned schedule as shown on the plans submitted.

SCHEDULE

Date of application: 24 March 1960 and 19 August 1960

Plans submitted: 11923

Development: Approve details of facing materials to be used on the approved two-storey storage building within the site of No. 6 Streatham Common South Side, Wandsworth.

HUBERT BENNETT

Name and address of applicant.

The General Manager
The Kleine Co., Ltd.,
9-13 George Street

Certified that this document contains a true record of a decision of the Council.

Signed

M2312



London County Council
ARCHITECT'S DEPARTMENT

TP/6AR

Ref.

No.

WA/1122/6/TP

TOWN AND COUNTRY PLANNING ACT, 1947, SECTION 14 (5)

PERMISSION FOR DEVELOPMENT (CONDITIONAL)

9 NOV 1959

7237

REGISTER OF APPLICATIONS

Telephone:
WATERLOO 5000

Extension

WA/1122/6/TP

CASE No.

HAG/TB

Date of Council's decision*

29-10-59

Reference No.

Particulars of an application under the Town and Country Planning Act, 1947, and the Town and Country Planning (General Development) Order, 1950.

Particulars of any direction in respect of the application under the above-named Act and Order: None Issued.

*Council's decision. Permission granted for the development referred to in the undermentioned schedule as shown on the plans submitted, subject to the conditions referred to.

SCHEDULE

18 August 1959

Date of application:

1114 as amended in red (your No.6)

Plans submitted:

The erection of a two-storey building at No.6 Streatham Common, South Side, Wandsworth, for the storage of builder's plan and materials.

Conditions:
1. The use of facing bricks only in all new external brickwork.

2. The submission to and approval by the Council of detailed elevational drawings of the proposed building including particulars of external materials prior to the commencement of building operations.

Name and address of applicant

The General Manager
The Kleine Co., Ltd.

Certified that this document contains a true record of a decision of the Council.

[Signature]

In order that the Council may be satisfied as to the appearance of the building.

212

[Handwritten signature]



TOWN AND COUNTRY PLANNING ACT, 1947, SECTION 14 (5)

PERMISSION FOR DEVELOPMENT (CONDITIONAL)

9 MAY 1957

REGISTER OF APPLICATIONS

Telephone:
WATERLOO 5000
Extension 7415
CASE No. WA/1122/6
PM/JW
Reference No.

Date of Council's decision:
4th May 1957

Particulars of an application under the Town and Country Planning Act, 1947, and the Town and Country Planning (General Development) Order, 1950.

Particulars of any direction in respect of the application under the above-named Act and Order: None Issued.

*Council's decision. Permission granted for the development referred to in the undermentioned schedule as shown on the plans submitted, subject to the conditions referred to.

SCHEDULE

Date of application: 7th January, 1957

Plans submitted: 10315 (previously approved)

Development: The continued use, for a further limited period, of a spraying booth in the north-western corner of the approved Nissen hut building, at the rear of No. 6, Streatham Common South Side, Wandsworth, such use being ancillary to the existing use of the premises as a builder's yard and stores.

Conditions: (1) The limited period for the permitted use being five years from 1st May, 1957.

(2) No nuisance or annoyance being caused by the emission of smell, fumes or noise by reason of the spraying process.

P.T.O.

Name and address of applicant

Messrs. Harold Williams &
Partners,
70, Victoria Street

Certified that this document contains a true record of a decision of the Council.

Signed *[Signature]*



London County Council
ARCHITECT'S DEPARTMENT

Ref. No. WA/1122/6/TP
TP/8R

TOWN AND COUNTRY PLANNING ACT, 1947, SECTION 14 (5)

Telephone: 7415
WATERLOO 5000
Extension
-- WA/1122/6/TP/S
CASE No.
Reference No.

REGISTER OF APPLICATIONS

27 OCT 1956

Date of Council's decision*
11th October 1956

Particulars of an application under the Town and Country Planning Act, 1947, and the Town and Country Planning (General Development) Order, 1950.

Particulars of any direction under the above-named Act and Order: None Issued.

Council's decision*: Permission refused for the development referred to in the undermentioned schedule as shown on the plans submitted.

SCHEDULE

24th May, 1956

Date of application:

3434 (your No. JW/102)

Plans submitted:

The erection of a two-storey building on the rear of the site of No. 6, Streatham Common South, for use as a joinery works.
Wandsworth

- (a) The proposal does not accord with the zoning of the ~~Realisation in the~~ Development Plan, which is for residential purposes.
- (b) The erection of this building represents a consolidation and extension of a non-conforming use, which is considered as inappropriate and undesirable form of development in this area, which is predominantly residential in character.
- (c) The proposal does not conform with the principles contained in the Development Plan relating to the decentralisation and limitation of growth of industry in London.
- (d) The building does not comply with the Council's day lighting standards.

HUBERT BENNETT

PER *[Signature]*

Name and address of applicant.

Messrs. Harold Williams and Partners.

Certified that this document contains a true record of the decision.



London County Council
ARCHITECT'S DEPARTMENT

TP/6AR

No. V 51/7083

TOWN AND COUNTRY PLANNING ACT, 1947, SECTION 14 (5)

1122

Telephone:
WATERLOO 5000
Extension 6207

REGISTER OF APPLICATIONS

30 NOV 1951

CASE No. TP. 53932/SR. 51/7083.
Reference No.

Date of Council's decision

29 NOV 1951

Particulars of an application under the Town and Country Planning Act, 1947, and the Town and Country Planning (General Development) Order, 1950.

Particulars of any direction under the above-named Act and Order: None Issued.

SCHEDULE

Date of application: 26th September, 1951.

Plans submitted: 10315 (previously approved).

Development: The provision and use, for a limited period, of a spray booth 8 feet in length and 4 feet wide situated in the north-western corner of the approved nissen hut building situated at the rear of 6, Streatham Common South, Wandsworth, the said use being ancillary to the existing use of the premises as a builders yard and store.

Conditions: (1) the limited period for the permitted use being five years from the first day of November, 1951;
(2) no nuisance or annoyance being caused by the emission of smell or fumes or by noise as a result of the introduction of the process.

Name and address of applicant.

Messrs. Harold Williams & Partners,

Certified that this document contains a true record of a decision of the Council.

2807/12

(1) the proposed use does not accord with the Council's planning proposals for the area which are for residential use only, and is acceptable for the above limited period only; (2) to safeguard the amenities of neighbouring residential premises.

I have to inform you that this decision is without prejudice to the powers of the Council under the Petroleum (Regulation) Acts, 1928-1936, the London Building Acts, 1930-1939, and Section 34 of the Factories Act, 1937, and to the powers of H.M. Inspectors of Factories under the Cellulose Solutions Regulations, 1934.

(STD.) ROBERT H. MATTHEWS



Keegan
London County Council
 ARCHITECT'S DEPARTMENT

T.P./8 *50/8121*



The County Hall,
 Westminster Bridge,
 S.E.1

Telephone
 WATERLOO 5000
 Extension

REPLY *6207*
 TO BE ADDRESSED TO
 THE ARCHITECT
 TO THE COUNCIL

IN ANY REPLY PLEASE
 QUOTE CASE No.

Ref. A.R./T.P. T.P. 53952/S.R. 50/8121

1122

21 NOV 1950

Dear Sir,

s,

TOWN AND COUNTRY PLANNING ACT, 1947

Refusal of permission to develop

The Council, in pursuance of its powers under the above-mentioned Act and The Town and Country Planning (General Development) Order, 1948 hereby refuses to permit the development referred to in the undermentioned schedule as shown on the plans submitted.

In accordance with the provisions of Article 5 (4) of the Order, your attention is drawn to the Statement of Applicants' Rights attached hereto.

SCHEDULE

Date of application

2nd October, 1950.

Plans submitted No.

10315

Development

- The use for the special industrial purpose of cellulose-
 laying of the proposed Nissen hut at the rear of No. 6, Streatham
Common South, Wandsworth.

Reasons for refusal

- The proposed use would not conform with the Council
 planning proposals for the area, and is considered an undesirable and
 inappropriate form of development likely to affect adversely the
 amenities of the surrounding residential properties.

Yours faithfully,

(S.D.)

THOMAS NEW

Architect to the Council *WTV*

Messrs. Harold Williams & Partners,
 70, Victoria Street,
 S.W.1.

LAND CHARGES ACT 1925
 REGISTERED
 CONSENT

Levy

50/8121

T.P.53932/
S.R.50/8121

NOV 1950

s,

| | |
|---|--------------------|
| CERTIFIED AS A TRUE COPY OF THE DECISION OF CONSENT | |
| NAME | <i>W. Williams</i> |
| COUNCIL'S DECISION | 16/11/50 |
| O.S. NO. | REG. NO. |

2nd October, 1950.

10315

- The execution of alterations and additions to the existing buildings, and the installation of a 1,000-gallon underground petrol storage tank and pump, in connection with the existing builder's yard and stores, at the rear of No.6, Streatham Common, South, Wandsworth.

- (1) No nuisance or annoyance being caused which may injuriously affect the amenities of the surrounding properties.
- (2) The petroleum spirit being supplied only to vehicles garaged on the premises.
- (3) The existing trees on the site being retained.

- To safeguard existing amenities.

I have to inform you that this decision is without prejudice to the Council's powers under the Petroleum (Regulation) Acts, 1928 and 1936, and your attention is invited to the necessity for obtaining any licence or approval required under these Acts.

Messrs. Harold Williams & Partners,
79, Victoria Street,
W.1

(STD.) ROBERT G. MATTHEW

The County Hall,

Westminster Bridge, S.E. 1



Telephone
5000
6707.
LETTERS
TO BE ADDRESSED TO
THE ARCHITECT
OF THE COUNCIL
IN ANY CASE PLEASE
QUOTE CASE No.

TP. 53932/
BR50/4272.

JUN 1950

Dear Sir, s,

**TOWN AND COUNTRY PLANNING ACT, 1947
Permission for Development (Conditional)**

The Council, in pursuance of its powers under the above-mentioned Act and The Town and Country Planning (General Development) Order, 1948, hereby permits the development referred to in the undermentioned schedule subject to the conditions set out therein and in accordance with the plans submitted.

In accordance with the provisions of Article 5 (4) of the Order, your attention is drawn to the Statement of Applicants' Right attached hereto.

The permission is given subject also to due compliance with any local Acts, regulations, building by-laws and general statutory provisions in force in the area and nothing herein shall be regarded as dispensing with such compliance or be deemed to be a consent by the Council thereunder.

Your particular attention is drawn to the provisions of the London Building Acts 1930-1939 and the by-laws in force thereunder which must be complied with to the satisfaction of the District Surveyor.

I would also remind you that the Council's permission does not modify or affect any personal or restrictive covenants applying to the land or the rights of any person entitled to the benefit thereof.

SCHEDULE

Date of application 2nd May, 1950.

Plans submitted No. 1875.

Development - The retention and use for the storage of building materials and tools of structures (numbered "1-6" on the deposited plans) situated at the rear of, 6, Streatham Common South, Wandsworth.

Conditions - No nuisance or annoyance being caused which may in any way affect the amenities of the surrounding residential properties.

Reasons therefor - To safeguard existing residential properties in the neighbourhood.

I have to inform you that this decision is without prejudice to the Council's powers under the London Building Acts 1930-1939.

Yours faithfully

(STD.) ROBERT H. MATTHEW

Architect to the Council

Messrs. H. Williams & Partners,
70, Victoria Street,
W.1.

