



The Planning Inspectorate

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

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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 drawn attention to Policy C3 which addresses proposals for development in Conservation Areas.

6. The appeal site covers an area of about 0.28ha 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

S. REC

LAMBETH

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

Reg'd No: 96/3339/23219

Location: 6 STREATHAM COMMON SOUTH, SW16.

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).

Condition(s):

- 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.

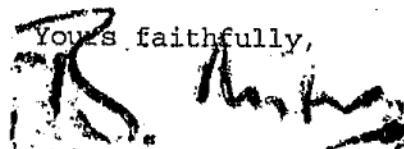
A. Worthington
23 Arragon Gardens
Streatham
London SW16 5LY

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

S. RSG

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

# LAMBETH

## 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.

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):

### =====

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

A. Worthington  
23 Arragon Gardens  
Streatham  
SW16

# LAMBETH

satisfactory.

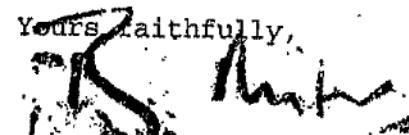
Town Planning Division  
Courtenay House  
9-15 New Park Road  
London SW2 4DU

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

Note(s) to Applicant:

- 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

Reg'd No: 96/3337/23219

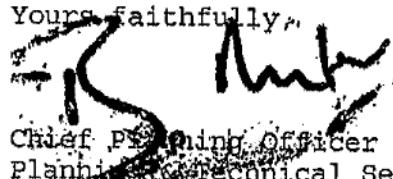
Location: 6 STREATHAM COMMON SOUTH, SW16.

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

## Reason(s):

- 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/ank/23219

**Edward Hollamby OBE FRIBA FRTPi DipTP (Lord)**  
**Director of Development**

Town Planning

22 JUL 1980

# LAMBETH

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

01-2747722 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 storey shop/display/storage/office building in connection with the building yard at 6 Streatham Common South, Lambeth.

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- (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

KMP

DC

WA 1122

Department of the Environment  
Caxton House, Tothill Street, London SW1R 9EL

Telephone 01-833 6549 Ext 271

WA 1122

23arc

Masons Corseallis and Dernoy  
13 Bedford Row  
Holborn  
LONDON

1.3  
DEPARTMENT OF ENVIRONMENT  
A LEGAL SERVICE  
LAMBETH

Recd. 11 OCT 1972

Your reference

Our reference

REF/4425/1/6365

Date 10 OCT 72

Gentlemen:

No. of  
Register

TOWN AND COUNTRY PLANNING ACT 1971 - EXCETON 36  
(TOWNSHIP SECTION 23 OF THE 1962 ACT)

APPLIED BY GODFREY (BALHAM) LIMITED

APPLICATION NO. DO/AC/JWP/SC/133219

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. Young, FRCP, who held a local inquiry into your client's 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 Nos. 6 Streatham Common South, Streatham, London SW16. 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-consenting use and secondly, if not, whether, in the interests of the welfare of the residents of surrounding buildings, 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 presents no pleasant environmental impression of a pronounced industrial character in further enhanced by the proximity of the large garage complex provided by Standard Garage, which creates an atmosphere similar to that of the residential area.
  - c. In my view the appeal site closely conflicts with this general appearance as a visual intrusion into a street scene which is designed to quality residential proportion. Whilst it must be restated that the established use rights which allow continuation of its non-consenting use no sound reason for permitting any further consolidation of those, which in my opinion could only be achieved to the disadvantage of the amenities of the area.
  - d. It is my opinion that the retention of the 3,000 gallon tank will not afford facilities for both a substantial increase in the activities carried on the site and the number of vehicles operating there.
  - e. Whilst I have no reason to question the applicant's no intention to operate a larger vehicle fleet, it may have at present the impracticability of reducing the size of the fleet to reflecting that number of vehicles should

facilities being available, permitting an expansion of the appellants' business, not foreseen or anticipated by them at the present time, or a very significant loss 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 pollution 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 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 1000 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 Gentleman  
Your obedient Servant

J. C. LIPPARD

Authorized by the Secretary of State  
to sign in that behalf

Yours

Department of the Environment  
2 Mandeville Place, London SW1P 3EB.

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 1969 (SI 1969 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

MESSRS GODFREY (BALHAN) LTD

Inspector: P. R. D. Yeatman ARCS MSc DipEd

Date of Inquiry: 15 August 1972

File No: APP/4423/A/63665

2 Marcham Street  
London SW1

September 1972

To The Right Honourable Peter Walker, MP, 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 SW9 into an appeal by Mr. Eric Gaffey (Walker) under section 23 of the Town and Country Planning Act 1962 (and section 36 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 :-

- 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 amenities 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 recommendation. Lists of witnesses, 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 55' square, 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 is a diesel oil storage tank and a row of open storage areas for aggregate; along the south-west boundary are a tyre replacement workshop, a paved parking area for lorries, a short wall and along the north-west boundary a vehicle maintenance workshop and vehicle access doors. At the time of my inspection there were limited quantities of bricks and building blocks stacked along the site boundary.

5. Surrounding the site to the north-east, east, south and south-west are areas of residential development. Adjoining the site to the north-east is a frontage development in Streatham Common South with the immediate southern dwellings in Belgrave Gardens about 100 ft off the site boundary. The common in York Court adds to the distance; the gardens of these properties run on common boundaries with the appeal site.

6. Other than for a block of three storey flats - Charles Mills Court, situated in Baldry 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 was obtained from three previous occupiers as to the nature of their businesses. Their 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 transports 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 rehousing 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 excessive use is therefore not valid. Notwithstanding its invalidity, the appellants are currently carrying on a consolidation of their

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

#### THE CASE FOR THE APPELLANT AUTHORITY

The material points are:-

13. 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 vacating 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 Streatham Common Cottages, 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 8 vehicles arriving and departing with intact loads, 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 Streatham Common Cottages situated just 200 ft to the north east of the appeal site referred to the planning authority in his letter of representation dated 31 July 1972, to express his 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-conforming use to a less congested area.

26. Mr D O Persie, owner/occupier of No 11A Streatham Common South, situated some 100 ft to the north-east of the appeal site, stated that the rear garden of his bungalow 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 behind 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 those vehicles.

#### EVIDENCE 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 with open space.

vi. The site has frontage and vehicular access to Streatham Common Road, a local residential road having a carriageway of some 20 feet, 14 ft 6 ins on the ground site side. At the time of the enquiry considerable kerb side parking was taking place.

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

viii. The diesel oil storage tank is some 13 ft long and 7 ft 6 in. diameter. It has been set on brick supports and surrounded by a brick wall 4 ft 6 in. high. A steel ladder and platform give access to the top of the tank for refuelling purposes. The tank has an overall height from ground level of some 10 ft 6 in. inclusive of the access platform. The whole structure is some 11 ft 6 in. 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 6 in. high.

x. Under my fellow planning inspector, I witnessed a 1/2000 scale site plan installed underground on the site which was used by the appellants for about a 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, levels up the undesirable consolidation of a non conforming use "inherently", if not, whether, in the interests of the visual amenities of the residents of Streatham Common, 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 expanse 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 applicants statement that they have no intention to operate a larger vehicle fleet from the site than they do at present, the practicability of increasing the use of the proposed tank to refuelling that number of vehicles, whilst awaiting the availability of facilities being available, permitting an expansion of the operations, is not foreseeable or anticipated by them at the present time, or a more definitive use of the site subsequently upon a change of ownership.

35. I consider that in the interests of the visual amenities and convenience of a greater area, such proposals as a large 13 ft 6 in. diameter tank, may seriously threaten the reputation of Streatham Common.

36. On the present facts, I do not consider that the tank is a really necessary part of

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 structures 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

~~AMENDMENT~~

~~EXCLUDED APPLICANTS~~

Mr D Keene

- of Counsel instructed by  
Masons Barristers and Surveyors, Solicitors  
13 Bedford Row Holborn London.

No called:

Mr H H Corry AMISVA

- of Messrs Woollards, 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 N P Innes

- Principal Solicitor Clerks Department  
London Borough of Lambeth.

No called:

Mr K Hyland BA MRTPI

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

Mr J Peters MRTPI

- Planning Assistant.  
" Ditto "

~~INTERESTED PERSONS~~

Mr D O Peast

- 11A Streatham Common South, Streatham SW16.

Mr C J Robins

- 12 Streatham Common South, Streatham SW16.

Mr L A Clewson

- 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.
- 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 Peast.
- 6 - Reply to letters to previous occupiers of proposed site in London Borough of Lambeth.

#### DOCUMENTS OVER

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

#### PHOTOGRAPHS

- Photo 1-11 - Views of appeal premises and surrounding properties. - Submitted by Counsel 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 undermentioned 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)**

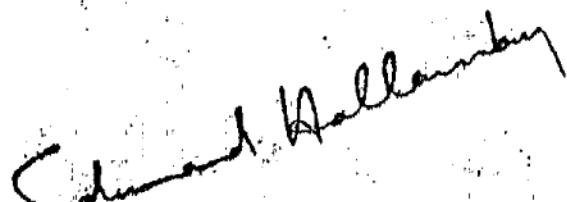
Development: **Retention of a diesel oil storage tank at 6 Streatham Common South, Lambeth.**

### 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.



## 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/REGISTER OF APPLICATIONS  
PJK/MEApplicant's  
Ref.

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

Date 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.  
111 Avenue C - mmt

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

Signed: *John Banks*



## London County Council

ARCHITECT'S DEPARTMENT

TP/8R

Ref.  
No.

WA/1122/6

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

## REFUSAL OF PERMISSION TO DEVELOP

Telephone :  
WATERLOO 5000

Extension 7237

CASE NO. WA/1122/6/TP

APPLICANT'S REEF/VC

## REGISTER OF APPLICATIONS

26 JAN 1961

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

XXXXXXXXXXXX  
XXXXXXXXXXXX  
XXXXXXXXXXXX  
XXXXXX

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

G. L. Hearn

(3) 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.25/12



London County Council  
ARCHITECT'S DEPARTMENT  
TOWN AND COUNTRY PLANNING ACT, 1947, SECTION 14 (5)

TP/6R

Ref.  
No. WA/1122/6

Telephone:  
WATERLOO 5000  
Exension 7237

CASE No. WA/1122/6/TP  
APPLICANT'S  
REF. AEG/AEF/601

PERMISSION FOR DEVELOPMENT  
REGISTER OF APPLICATIONS

2 SEP 1960

Date of Council's decision\*

(- 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



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)

29 NOV 1959

|            |               |
|------------|---------------|
| Telephone: | WATERLOO 5000 |
| Extension  | WA/1122/6/TP  |
| CASE No.   | HAG/TB        |

7237

## REGISTER OF APPLICATIONS

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:

11114 as amended in red (your No. 6)

Plans submitted:

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

Conditions:

1. The use of facing bricks only in all new external framework.
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.

M. M. H.

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

J. A. [Signature] J.A.P.

1940



London County Council  
ARCHITECT'S DEPARTMENT

TP/6AR

No. W17/1176

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:

4 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



London County Council  
ARCHITECT'S DEPARTMENT

TR/8R

Ref.

No.

WA/1122/6/TP

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

Telephone: 7415  
WATERLOO 5000  
Extension

REGISTER OF APPLICATIONS  
--- WA/1122/6/TP/S

27 OCT 1956

CASE No.  
Reference No.

Date of Council's decision\*

11 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 Development of No. 6, Streatham Common South, for use as a joinery works.  
 Wandsworth

- (a) The proposal does not accord with the zoning of the Real and Domestic 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 an 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.....

Name and address of applicant,

Messrs. Harold Williams and Partners.

Certified that this document contains  
a true record of the facts stated



London County Council  
ARCHITECT'S DEPARTMENT

TP/6AR

No.

151/7083

1122

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

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

S,  
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.

Pans 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 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.

- (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. MATT



*Keppel*  
**London County Council**  
ARCHITECT'S DEPARTMENT

T.P./8

50/112



Telephone  
WATERLOO 5000  
Extension

REPLIES TO BE ADDRESSED TO  
THE ARCHITECT  
TO THE COUNCIL

IN ANY REPLY PLEASE  
QUOTE CASE NO.

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

The County Hall,

Westminster Bridge,  
S.E.1

(1122)  
21 OCT 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-pulping 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's 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,

(STD.)

JOHN NEWTON

Architect to the Council

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

LAWES & SALTERS LTD. 1950  
APPROVED FOR PUBLIC CONSENT

*Leggat*

50/8121

T.P.53932

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

10 OCT 1950

S,

|                          |           |            |
|--------------------------|-----------|------------|
| CERTIFIED AS A TRUE COPY |           | OF CONSENT |
| NAME                     | G. Thorne |            |
| COUNCIL'S DECISION       | 16/11/50  |            |
| O.S. NO.                 | REF. NO.  | 10315      |

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 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,  
Victoria Street,

(STD.) ROBERT B. MATTHEW

*Kens*  
London County Council

T.P. 6a



The County Hall,

Westminster Bridge, S.E.1

6207.

TO BE ADDRESSED TO  
THE ARCHITECT  
OF THE COUNCIL  
IN ALL CASES PLEASE  
QUOTE THE PLATE No.

TP. 53932/  
SR50/4272.

Dear Sir, S,

JUN 1950

**TOWN AND COUNTRY PLANNING ACT, 1947**

**Permission for Development (Conditional)**

The Council, in pursuance of its powers under the above-mentioned Act and 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.

Plan 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, "and

Conditions

- No nuisance or annoyance being caused which may interfere with or 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 Act of 1939.

Yours faithfully

(STD.) ROBERT H. MATTHEW

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

Architect to the Council