



Appeal Decision

Inquiry Held on 22-25 October; 30 October-1 November; 5-8 November; 12-15 November; 19-21 November; 3 December 2024

Site visits made on 18 October and 2 December 2024

by Christina Downes DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 February 2025

Appeal Ref: APP/N5660/W/24/3345872

40-46 Harleyford Road, London SE11 5AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by St Anne's Catholic Settlement against the decision of the Council of the London Borough of Lambeth.
- The application Ref 20/03737/FUL, dated 27 October 2020, was refused by notice dated 31 January 2024.
- The development proposed is demolition of existing buildings and erection of a building up to seven storeys with basement to provide flexible alternative use for Class E, Class F1 and/or Class F2; up to 41 residential homes (Class C3) and associated amenity, car and cycle parking.

DECISION

1. For the reasons given below, the appeal is dismissed.

PROCEDURAL MATTERS

2. During the application process various revisions to the proposal were made. These included reducing the height and mass of the building and the consequent revision of the number of residential units to 33. The agreed description of the proposal on which the Council made its decision is: *demolition of existing buildings and erection of a building up to six storeys with basement to provide flexible alternative use for Class E, Class F1 and/or Class F2; alongside residential homes (Class C3) and associated amenity, car and cycle parking.*
3. A Planning Obligation by Agreement (the Section 106 Agreement) was submitted in draft form and discussed at the inquiry. The executed Deed is dated 3 December 2024 and, as a consequence, the Council's seventh reason for refusal fell away.
4. The fifth and sixth reasons for refusal related to tree removal, urban greening and biodiversity net gain. Further information on these matters was subsequently submitted and as a result the Council did not pursue these objections at the inquiry. I am satisfied from the information before me that these could be

addressed through planning conditions and are no longer issues in contention for the determination of the appeal.

5. Three community groups were granted Rule 6(6) status in respect of the appeal. These were Save Our Conservation Area; the Bonnington Centre Community Association; and the Vine Housing Co-operative. The three groups joined together for the presentation of evidence to the inquiry.
6. A revised *National Planning Policy Framework* (the Framework) was published on 12 December 2024, after the inquiry had closed. The Housing Delivery Test results (2023) were published at the same time. The main parties were given the opportunity to address this new information, and I have taken their responses into account in my decision. On 7 February 2025 a further update to the Framework was made. This corrected two typographical references and made a minor change to paragraph 155 relating to the Green Belt. These changes are of no consequence to this appeal and the parties' views have not been invited.

REASONS

7. There was a great deal of emphasis on the length of time that the Appellant had been in negotiation with the Council about the redevelopment of the site. Various alternatives had been discussed, and three development partners were involved at different times in the process. The present scheme was subject to several pre-application meetings and a number of revisions were made as noted in paragraph 2 above. It is appreciated that much time and effort has been invested in this process, which has been ongoing for about 12 years. I do not dispute that the Appellant thought that the Council was supportive of its proposal and was disappointed when planning permission was refused. However, whilst acknowledging all of this, it remains the case that the relevant matter now is the acceptability or otherwise of the proposal as it now is, rather than the period of time that has led up to it.
8. The results of the Housing Delivery Test (2023) make clear that the delivery of housing in the Borough has been substantially below the level of housing need over the last 3 years. A 20% buffer is therefore now applicable, and the evidence indicates that the Council is no longer able to demonstrate a 5 year supply of deliverable housing sites against its annual requirement established by the London Plan.

THE EFFECT OF THE PROPOSED DEVELOPMENT ON THE CHARACTER AND APPEARANCE OF THE AREA

Policy context

9. There is no dispute that the appeal site comprises previously developed land and is in a very sustainable location with the highest public transport accessibility rating. Whilst it is just outside the Vauxhall, Nine Elms and Battersea Opportunity Area (the VNEB) it is just within the Central Activities Zone (CAZ). The London Plan (2021) sees the CAZ as the vibrant heart and globally iconic core of London with a broad range of functions of London-wide, national and international significance and a unique collection of heritage and environmental assets. Amongst other things, Policy SD4 in the London Plan identifies Vauxhall as an emerging CAZ retail cluster where there is potential for high levels of growth. It is

centred on the Vauxhall Cross transport interchange, although the appeal site is outside its boundaries.

10. In the *London Plan*, Policy D1 explains how Boroughs should assess character and plan for growth. It does not include provisions relevant to development management and so is of little relevance to this appeal. Policies GG2 and D3 seeks to ensure that development makes the best use of land through a design-led approach that optimises site capacity. This requires the design options to be considered so that the form of development best responds to the context of the site and its capacity for growth. Higher density developments should generally take place in sustainable and well-connected locations. Building proposals should respond positively to local distinctiveness through their scale and appearance, amongst other things.
11. in the *Lambeth Local Plan 2020-2035 (2021)* (the Local Plan), policy Q5 indicates that local distinctiveness should be sustained and reinforced. It supports design that responds positively to the locality, including in respect of bulk, scale, height, massing and townscape character. Policy Q6 seeks to achieve high quality public realm by supporting development that makes the most effective use of a site and maintains or improves upon a prevailing building line. Policy Q7 includes several criteria relating to new development. Amongst other things it seeks to ensure that the bulk, scale and building line adequately preserves or enhances the prevailing local character or, in the case of a changing context, the intended future character of the area.
12. The *Kennington, Oval & Vauxhall Neighbourhood Plan* (the KOV NP) is currently in draft form and has undergone a period of public consultation. The latest available version is dated July 2024. Following the close of the inquiry a further version was submitted to the Council under Regulation 15, but this has not yet been released for consultation. Draft policy KOV 5 identifies 4 important local views. It indicates that proposals should not have an adverse impact on the composition and character of the views within the respective view cone. KOV5B(i) is a directional view along Harleyford Road towards the Oval from a viewing point on the pedestrian crossing at the north-western end of the road. It is described as a static view, which means it does not address the view as it unfolds along the viewing corridor towards the viewing destination.
13. There are also various other local documents of relevance, including but not limited to, the *Lambeth Design Guide* adopted by the Council as a supplementary planning document, the *Lambeth Local Distinctiveness Survey* and the *Vauxhall Conservation Area Statement*.

Existing character

14. The appeal site is on the corner of Harleyford Road and Vauxhall Grove. A 3.5 storey flat roofed building stands on the Harleyford Road frontage along with an adjoining single storey extension and parking area on its south-eastern side. To the rear are two single storey pitched roof halls linked by an enclosed corridor. There is a small, presently overgrown, garden to the side. The 3.5 storey building (the main SACS building) was built around 1957 and is on the Council's Local Heritage List. The site is occupied by St Anne's Catholic Settlement (SACS), which is a charitable organisation that provides services and facilities, including

low-cost accommodation and community space to various local welfare groups and charities.

15. Whilst heritage matters are considered in the next issue, the character of the townscape is in large part influenced by its location within the Vauxhall Conservation Area (the VCA) and its historical development. Harleyford Road was originally built as a Turnpike to the east of the River Thames and Vauxhall Bridge, which was opened in 1816. At this time the area was semi-rural, but as the 19th century progressed it became popular with those seeking to move out of central London to a more spacious environment. The historic maps show that by the mid-19th century, there were terraces of housing along both sides of Harleyford Road with market gardens behind.
16. By the second half of the 19th century housing had spread into the hinterland, and places such as Vauxhall Grove and Bonnington Square were established. Schools, churches and public houses were also built to serve the new population. Although many of the commercial and industrial uses were clustered around the riverside, they also began to permeate the residential area. The large commercial premises known as Eldon Works on the north-eastern side of Harleyford Road is an example. Towards the end of the 19th century housing conditions had deteriorated and poverty was rife. Many of the residents who had valued the relative tranquillity of the area began to move away and the social fabric changed.
17. The area was subject to considerable bomb damage in World War II and this led to some fragmentation of the historic environment. Nevertheless, many of the Georgian residential terraces along Harleyford Road still stand today, along with the later terraces in the roads to the rear. Despite widespread slum clearance within the Borough overall, many of the houses that had fallen into disrepair in this area were saved and refurbished through community action and Council effort. It seems to me that the continued existence of so much 19th century architecture, both within Harleyford Road and the adjacent streets, is an important contributor to the character of the townscape and creates its sense of place.
18. Modern development includes Harleyford Court, which is an inter-war building in an art deco style. This 4-storey flatted building seems to me to successfully integrate with its surroundings and provides variety and interest to the street scene. St Anne's Catholic Primary School comprises single and two storey buildings that stand obliquely to the road. Whilst it does not relate very well to the street frontage, its predecessor, Eldon Works, did not appear from the historic maps to have had a street presence either. The open playground and planted areas provide some verdancy to the streetscape, but more importantly allow views towards the back of St Anne's Roman Catholic Church. This is a Victorian building that fronts Kennington Lane and has a striking landmark tower.
19. Nevertheless, there is modern development that has been less successful. The most obvious example is Cobalt Square, which adjoins the north-western side of the appeal site and occupies a large site on the corner of Harleyford Road and South Lambeth Road. It is 4.5 storey in height with much of the upper portion within a mansard roof. Although there is some variation in its facades, it offers an unattractive and rather forbidding frontage to Harleyford Road. The building contributes negatively to the townscape and is explicitly excluded from the VCA.
20. The buildings along Harleyford Road are experienced within the context of the

road itself. The former toll road, which retains its straight alignment and width, is now a two-lane traffic artery and Red Route that carries a high volume of traffic in one direction towards the Vauxhall Cross gyratory. There is also a busy cycleway on its southern side. Policy PN2 in the Local Plan includes a provision to investigate improvements to walking, cycling and the public realm, including along Harleyford Road. However, this remains an objective and as far as I am aware there is no firm plan or timescale to carry out environmental improvements.

21. Overall, Harleyford Road is varied in terms of buildings and uses. However, despite the detracting features and modern influences I consider that it can be appreciated as predominantly residential and that its early 19th century terraced housing is a feature of some townscape importance. Furthermore, building heights are typically between 2 and 4 storeys plus some semi-basements and mansard roofs which add additional height in some places. Differences in height between proximate buildings are generally moderated. The Appellant drew attention to an appeal decision relating to 62 Harleyford Road where the Inspector had commented that variation in roof height was a positive feature of this part of the VCA. However, this was in the context of the proposal for an additional storey on a two-storey building and referred to the height differential with The Parade, which is 4.5 storeys with a mansard roof.
22. The main parties referred to the *Lambeth Design Guide*, which sets out a number of criteria to denote townscape value. To the extent that this is a helpful exercise, I consider that the environs of Harleyford Road has a value on the low side of medium. Vauxhall Grove and Bonnington Square on the other hand have a higher value, due to a more coherent residential townscape built around quiet tree-lined streets.
23. There are several external features that have an influence on the visual appreciation of the townscape at this point, most noticeably the cluster of tall buildings to the south-west within the VNEB. Furthermore, it was clear from the evidence that this form of development will intensify over time. This modern development is very apparent, especially when travelling along Harleyford Road towards the Vauxhall Cross gyratory or when looking in a north-westerly direction from Vauxhall Grove. It provides a stark contrast in terms of scale and form to the area in which the appeal site lies. The Secret Intelligence Service (SIS) building at Vauxhall Cross is built on the riverside adjacent to Vauxhall Bridge. Due to its monumental scale, it forms a prominent visual back stop to the north-westerly view along Harleyford Road.
24. Moving in a south-easterly direction, the upper parts of the Vox Studios building on Durham Road is prominent in the backdrop above the single and 2 storey buildings of St Anne's Catholic Primary School. The Oval cricket ground, with its distinct curved roofline and green wall, terminates the view at the end of Harleyford Road in this direction.

The proposed development

25. The existing buildings on the site would be demolished and the proposed new building would front onto Harleyford Road with a return frontage to Vauxhall Grove. It would be 5-storeys in height with an inset 6th storey, stepping down to 4 storeys at the side and rear. The building has been designed in the New London Vernacular, which reflects features found on Georgian and Victorian terraced

housing with flat facades of London stock brickwork, regular inset window openings and a vertical emphasis.

26. The building would be divided into three distinct sections, with a base, middle and top reflecting the proposed uses and functions. The basement, ground and front of the first floor would contain the charity spaces, hall and offices for use by SACS. The front elevation and the front part of the return elevation would be divided into a number of rhythmic bays by vertical piers in rusticated brickwork. The main entrance to this area would be from Harleyford Road. The upper floors would accommodate 33 apartments with the entrance in Vauxhall Grove. This section of the building would have a flat façade of London stock brickwork. Whilst there would not be the impression of defined bays, a recessed walkway, recessed balconies and narrower windows with anodised aluminium side panels would create visual interest and articulation. The top section would be set back from the parapet edges at the front and side and faced with bronze coloured metal cladding. The development was designed by the award-winning architects, Cartwright Pickard.
27. In reaching my conclusions on the impact that the new development would have on local character and townscape I have had regard to the Appellant's computer-generated images (CGIs). Whilst there were one or two queries raised by the Rule 6(6) Party, these seemed to me to relate to relatively minor matters and there was no serious challenge to the reliability of the CGIs. Whilst the Rule 6(6) Party produced some images of its own, they were not verified and should be treated with some caution. I made extensive visits to the area and also rely on my own experience when considering how the scheme would assimilate with its receiving environment. I had the opportunity to view the area from one of the upper floor balconies of the development being constructed at Oval Village, which provided a very good overview of the area in question. I also saw the site from the upper floor of the Bonnington Café, which gave me a different perspective along Vauxhall Grove.

Effect on Harleyford Road

28. The proposed building would occupy the whole frontage to Harleyford Road. In terms of design and materiality, the evidence indicates a building of high quality that, through the adoption of the New London Vernacular style of architecture, would be appropriate to its heritage surroundings. Although the rusticated piers are not a feature of the nearby historic buildings, that does not mean that they would be unacceptable. They would distinguish the lower part of the building and the non-residential part of the scheme. The Council was concerned about the unrelieved front façade. However, when prompted I found its comments about sculpting rather difficult to understand, although the point seemed to relate to the building bulk.
29. There was considerable discussion at the inquiry about the historic building line and whether the proposed development should follow it. The 19th century residential terraces are generally set back from the pavement behind small front gardens and lightwells. More recent residential developments, such as Harleyford Court have followed a similar pattern. However, whilst at one time the road was lined on either side by residential terraces, there is now considerable fragmentation. Furthermore, the variation in set-back between the different historic

building groups is apparent. I note that the Conservation Area Statement does not mention the historic building line as a defining feature of Harleyford Road.

30. There was a functional reason for setting back the 19th century houses from what would have likely been a busy, dusty toll road. Commercial uses do not need such a buffer and, conversely, this can counteract the creation of an active frontage, although this has not been successfully achieved with Cobalt Square. The main SACS building, and its more recent side extension, stand at variable distances from the pavement edge, with the main two-storey entrance virtually abutting it. The proposal is for a mixed-use building with non-residential uses on the ground floor. From the point of view of offending any historic building line, I do not consider that the forward position of the proposed development would be objectionable.
31. My main concern is about the height and bulk of the building. As I have already commented, the variation in roofline is a feature of Harleyford Road. However, in this respect the proposed development would significantly exceed that currently present, including Cobalt Square. Whilst the presence of the latter cannot be denied, it is not a building that should be emulated for the reasons I have given. However, having regard to the design approach in the Design and Access Statement, it is difficult to avoid the impression that Cobalt Square did have a considerable influence. Whilst changes in height and massing have been made to the rear, the scale of the main five-storey block and its relationship with Cobalt Square, seems to have remained constant throughout the current design exercise.
32. The proposed parapet height would be some 1.5m above the most comparable parapet of Cobalt Square and the roof of the sixth floor would be significantly higher than the top of the set-back element of that building. Whether it was intended that the appeal development would shield the view of Cobalt Square when looking from the south-east or whether there was some other rationale is unclear. Unfortunately, no-one from the design team at Cartwright Pickard was present at the inquiry and so the reason why the building evolved as it did is not known. The Appellant has sought to justify the proposed parapet height by referring to the existing variation in Harleyford Road between the lowest (23 Harleyford Road) and the highest (Cobalt Square). However, the logic of such an argument would be that every new development could justifiably be higher than its predecessor, which would have little regard to existing context or character.
33. It seems to me that the adverse effects would be experienced mainly in dynamic short views in a north-westerly direction. From a distance, buildings such as Harleyford Court occupy the foreground and due to their proximity, the new building would appear recessive in the street scene blending in with the SIS building at the end of the view. In addition, the overhanging greenery from the Vauxhall Community Gardens would act as a partial screen, although this would be less effective in the winter months when the trees are not in leaf.
34. It is from the junction with Durham Street that the prominence of the appeal building would begin to be experienced and the sharp change in height and scale would become increasingly apparent as the viewer moves forward. Whilst The Parade with its mansard roof would be seen in the foreground, it stands well back, and the new building would be viewed rising above the roofline of Clun Terrace in close proximity. At present, the much lower buildings on the appeal site mediate

between the historic terrace and the bulk and scale of Cobalt Square. Effectively, the new development would be seen to extend the height and scale of the developments around Vauxhall Cross, including Cobalt Square and the SIS Building. It would appear overly dominant, intrusive and harmful to the prevailing townscape, in my opinion. As the Appellant pointed out, in this north-westerly view the tall buildings in the VNEB are very apparent. However, these are experienced in the background and their scale is of such different order that they do not moderate the adverse effects that I have identified.

35. When approaching from the opposite direction, Cobalt Square is a dominating feature in longer views. In the static view from the pedestrian crossing in the draft KOV NP, for example, the proposed development would not impinge on the viewing corridor. However, moving in a south-easterly direction the new building would become more apparent in terms of its height and bulk. Despite the width of Harleyford Road I do not consider that there would be a comfortable relationship with the 2-storey residential terrace opposite.
36. Although the length of the building frontage to Harleyford Road may be comparable to the historic terraces, the building itself would be much higher, bulkier and would stand further forward on its site. Although I do not object to the forward position of the proposed building in terms of the historic building line, that is a different point. When combined with its height and bulk it seems to me that the proposed building would be an imposing feature in the street scene. Unfortunately, its position adjacent to a development that is also a significant detractor would exacerbate these negative effects.
37. Reference was made to a planning permission granted in 1963 for another floor on the existing SACS building and a five-storey extension at the junction with Vauxhall Grove. This seems of little relevance now, bearing in mind it was determined under a totally different, and unknown, policy regime and was well before the historic value of the area was recognised through the designation of the VCA. However, it is acknowledged that there has been more recent development that is taller and of greater scale in the vicinity of the site and within the VCA. An example is Muscovy House, which is a seven-storey building on the southern side of the Vauxhall Pleasure Gardens. However, as with Cobalt Square this is recognised as a detractor and is not in keeping with its surroundings, not least because of its height and massing. There are also taller buildings in Bondway in Vauxhall Cross, but these are experienced within the context of the transport interchange and railway viaduct. This is also the vicinity of the proposed CAZ retail cluster, where taller buildings may be anticipated.
38. There was considerable reference to the Academy, which is a large development on Lawn Lane. It was built in the early 20th century as a school but has been converted to flats with roof works and extensions to the side and rear. Although it now presents as 8 storeys the evidence indicates that its original height and roofline has not been materially increased due to the room heights in the original institutional building. Whilst it does not accord with the height and massing of much of its surrounding residential area, it stands on its own account as a former school that served the area around it. Its location does not seem to me to be comparable, and I do not consider that it provides justification for the scale of the appeal scheme.
39. The Appellant has assessed the scheme against the principles set out in the

National Design Guide for well-designed places. In many ways the development would be in accordance with its values. However, to my mind it would fail to respond positively to the surrounding context and what makes it distinctive as the *National Design Guide* envisages.

Effect on Vauxhall Grove

40. Following the various amendments that culminated with the reduction in height of the rear part of the proposed building, the Council was content that the development would not affect the character of the residential area in Vauxhall Grove or Bonnington Square. However, the Rule 6(6) Party and other objectors did have concerns that it would not relate satisfactorily to the 3 and 3.5 storey residential terraces that characterise these streets. In considering this, it is relevant that this is a densely developed residential area with a tightly knit street pattern. Internal views are relatively restricted and framed by the buildings either side of the narrow roads. The street trees also offer considerable screening effect, especially in the summer months.
41. Looking north from the junction with Bonnington Square the building would be mainly evident in the winter view. It would be seen at the end of the vista with the 19th century town houses in the foreground. Whilst the building would become more apparent as the viewer moves towards the Harleyford Road junction, the nearest part would be the four-storey element, and the higher part would be recessive. Overall, I consider that the building when seen from here would not be overly dominant and would successfully integrate with its host environment. From the short section of Vauxhall Grove to the rear, the front of the 4-storey section would be seen to align with Nos 55-58 and its two bays would reflect the vertical rhythm of the period houses. It is acknowledged that it would be significantly higher than the adjoining terrace and that there would be little relationship with the existing eaves height. To my mind this juxtaposition could have been improved, although there would be a clear visual separation between the existing and new development. On balance, I am satisfied that the new building would have an acceptable relationship with the residential terraces within this part of Vauxhall Grove.

Conclusions

42. In reaching my conclusions, I have borne in mind the importance that the Framework attaches to the effective use of accessible brownfield sites. I have also had regard to the location within the CAZ, although policy SD4 in the London Plan, recognises the importance of heritage and environmental assets in this zone. Policy D3 in the London Plan seeks to optimise the use of land through the design-led approach. The policy explains that optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires design options to consider how the proposal would respond to the site's context and capacity for growth.
43. The fact that the proposed development would be bigger than its surroundings need not necessarily mean that it would be unacceptable. However, notwithstanding the revisions that have been made I do not consider that in this case the proposal would result in the optimal use of the site. This is because the bulk and height of the new building would not be satisfactory within the context of Harleyford Road. For all of the reasons given above, it is concluded that there

would be an adverse effect on the character and appearance of the area and the scheme would fail to satisfactorily integrate with its receiving streetscape.

44. There was a great deal of debate about density, but the density matrix in the Mayor's *Housing* supplementary planning guidance is no longer referenced in the current version of the London Plan, which has moved away from a density-led approach to development. However, insofar as it is a helpful exercise to describe the vicinity of the appeal site as urban or central, I consider that it would fall more within the description of the former than the latter. That being the case, the proposed density would be towards the top of the density range in the aforementioned matrix.
45. The Conservation Area Statement indicates that the VCA has retained its historic character because so little harmful redevelopment and change has taken place within it. It indicates that the capacity for significant change is minimal. This is a rather sweeping statement that does not altogether sit comfortably with current policy. Whether or not significant change would be acceptable on the appeal site would depend on the details of the proposal.
46. The Lambeth Town Hall scheme was designed by the same architect, Cartwright Pickard, and involved a considerable amount of tall new development. The context includes a number of sensitive heritage assets, and the proposal involved the demolition of non-designated heritage assets. However, from my observations the surroundings are very different with many of the historic buildings standing well back from a four-lane highway and a major road junction.
47. I was also referred to a redevelopment proposal at Bow Road in Mile End. The site is in a conservation area, close to a number of heritage assets and adjoins a busy arterial road. The Inspector commented that the frontage had little in common with the features defining the conservation area and, as I understand it, the opposite side of the road, which comprises four lanes for two-way traffic and a cycle lane, is not within it. Whilst it was agreed that I did not need to visit this site, the evidence indicates that the Bow Road site has significant differences and is not a good comparator.
48. In the circumstances the appeal proposal would be contrary to policies GG2, SD4 and D3 in the London Plan and policies Q5, Q6 and Q7 in the Local Plan.

THE EFFECT OF THE PROPOSED DEVELOPMENT ON HERITAGE ASSETS

Policy context

49. In the London Plan, policy HC1 includes the provision that proposals should conserve the significance of heritage assets and their settings. Policy D3 indicates that proposals should respect and enhance heritage assets and the architectural features that contribute towards local character, amongst other things.
50. In the Local Plan, policy Q20 supports proposals that conserve and do not harm the significance of listed buildings and their settings. Policy Q22 permits proposals affecting conservation areas that preserve or enhance their character and appearance by respecting and reinforcing positive characteristics. These include the building line, design and height and the protection of the setting. Policy Q23 seeks to resist the destruction of assets on the Local Heritage List and prevent harm to their settings. It also expects proposals to preserve, protect and

safeguard such assets and, where desirable, enhance them when developing proposals that affect them.

51. The significance of a heritage asset relates to the sum of its heritage interest. The Framework indicates that its interest in this regard can be archaeological, architectural, artistic or historic. Historic England's *Conservation Principles, Policies and Guidance* (2008) provides advice on how society places value on heritage assets apart from their utility. The four types of heritage value that an asset may hold are evidential, historic, aesthetic and communal. Historic England's *Managing Significance in Decision-Taking in the Historic Environment* (2015) explains that this is another way of analysing significance. Historic England's *The Setting of Heritage Assets* sets out a five-step approach to proportionate decision-taking.

Identification of the heritage assets

52. The heritage assets in the vicinity of the appeal site likely to be affected are not disputed. Designated heritage assets comprise Nos 15-25 (odd) Harleyford Road, Nos 48-56 (even) Harleyford Road (Clun Terrace) and Nos 58 and 60 Harleyford Road (The Parade) and the VCA. Other than the latter, these are all Grade II Listed Buildings. Non-designated heritage assets include Nos 27-33 (odd) Harleyford Road, the main SACS building and the east-facing gateway to Vauxhall Grove. These are all included on the Council's Local Heritage List. The Framework indicates that heritage assets are an irreplaceable resource and should be conserved in a way that is appropriate to their significance.
53. Other than the non-designated heritage assets on the site and the VCA, it would be the settings of the remaining heritage assets that would potentially be affected.

The main SACS building and entranceways

54. The main SACS building was added to the Council's Local Heritage List in 2012. In 2020 the east-facing gateway onto Vauxhall Grove, which refers to St Anne's Hall and is dated 1937, was also included. A second gateway, which faces south onto Vauxhall Grove and proffers the words "*St Anne's Settlement*" was not included. Whilst it has no date, the Appellant's Heritage Statement considers that it was probably built to serve the earlier hall, although historic photographs indicate that it may have been moved from the Harleyford Road frontage.
55. As was said above, the area became impoverished later in the 19th century. Bishop Brown, who founded SACS, was asked to establish a Catholic parish in Vauxhall and his Mission was to improve the spiritual and medical welfare of poor, sick and needy parishioners. The appeal site was purchased in about 1911 and comprised terraced houses fronting Harleyford Road and a hall to the rear. SACS grew and a second hall was added in 1937. The houses suffered bomb damage in World War II, but during this period SACS continued its good works. Once the war was over Bishop Brown started to plan for a new building and the frontage houses were demolished. However, finance was an issue and only part of the original plan was carried out. This comprises the main 3 storey SACS building that stands today. It was completed in about 1957 by the architects Stanley Kerr Bate. It is though apparent that there have been difficulties maintaining the building, probably due to financial constraints. By 1982 there were reported to be problems with both the interior and exterior fabric.

56. In this case the significance of the main SACS building derives from the architectural value of the building fabric; the communal value from the social interaction and community function. There is also historical value from the artefacts. These include the St Anne Plaque, the Bishop Brown plaque and the foundation stone on the front elevation; the south-facing gateway and pillar tops on Vauxhall Grove; and the Bishop Brown Memorial Building signage within the front entrance. The Local Heritage List indicates that the east-facing gateway to Vauxhall Grove has architectural, historical, townscape and age/ rarity value.
57. As noted above, the main SACS building was more modest in size than Bishop Brown had envisaged. After World War II there were also constraints on building supplies, which often resulted in compromise to building quality. However, in this case even if there was a last-minute change to the bricks, it does not seem that the specification was overly compromised by a lack of money. The long format yellow stock brickwork, Portland stone window surrounds, decorative glazing bars and impressive canted entrance suggests that this was not a building constructed solely for utility. I also observed the main internal stone staircase and its decorative metalwork, which does not imply value engineering.
58. Furthermore, some features suggest that the architects took some inspiration from the surrounding historic buildings. I note that the two-storey height of the canted entrance and the angle of the bay is similar to the parapet height and return flank of No 23, the listed house opposite the site. The fluted Portland stone window decoration reflects the entrance detailing to Nos 21 and 23. The strong parapet line of the main building and regularity of the window openings is also redolent of the nearby Georgian buildings. Of course, it is not possible to know what was in the architects' mind, but it is not unreasonable to surmise that these were deliberate design choices. This seems to me to be a good example of a post-war building that is sympathetic to its heritage surroundings.
59. SACS has had a long association with the Vauxhall area and the appeal site. Whilst its various activities have changed over the years, its Mission¹ of relieving hardship and providing support for those living and working in the area has not changed from its foundation by Bishop Brown. The main Settlement building was purpose built and part of its significance is on account of its value to the communities that it serves through its education, health and welfare work.
60. The east-facing gateway includes good quality carved stonework and detailing with the date inscription reflective of when the second hall was built. It marks the historical evolution of the Settlement as it expanded to meet the needs of the communities it served. The evidence indicates that such commemorative stonework was relatively rare in Lambeth during the interwar period. There is also value derived from its positive effect on the townscape of Vauxhall Grove.
61. Following redevelopment all buildings on the appeal site would be demolished. It seems to me that the only element that would potentially remain is the communal value of the main SACS building and the historical value of the artefacts. I acknowledge that the Glossary to the Framework defines significance as the value of the heritage asset. There is therefore some force in the argument that it would be lost if the heritage asset ceased to exist. On the other hand, communal value depends on how people feel about a place that they relate to and therefore

¹ This is set out in full in paragraph 125.

in some circumstances it is not unreasonable to surmise that it is not just invested in the built fabric but rather in wider associations. This is a point made in *Conservation Principles, Policies and Guidance*. In the circumstances I am inclined to consider that significance through communal value would be retained through the facilities provided for SACS in the proposed replacement building. Whilst there would be an interruption through the period of construction there was no satisfactory evidence to conclude that the various community functions and uses would cease to exist.

62. The harm arising from the loss of the east-facing gateway would be partially mitigated by its relocation within the building as indicated in the Design and Access Statement. Whilst most of the significance would therefore be retained, the townscape value of the heritage asset would be lost. The Design and Access Statement shows that the heritage artefacts would also be incorporated into the proposed new development. As with the gateway, I consider that further details are required to ensure that the maximum benefit would be retained, and the features would be displayed to best effect. This could be controlled through a planning condition.

The Vauxhall Conservation Area (the VCA)

63. The VCA was designated in 1981. It was extended at various times, the most recent being in 2016 when the appeal site was included, along with a number of other areas. It now covers an extensive area, and the appeal site is relatively central. The significance of the VCA mainly derives from its historical development during the Georgian and Victorian period as I have outlined in the previous issue.
64. The early 19th century residential terraces, many of which are statutorily listed, are a particular feature of the VCA. In addition, schools, churches and public houses became established to serve the residential population and many still exist today. Industrial and commercial uses became established following the extension of the railway line to Vauxhall and a tramway ran along Harleyford Road. Many of these uses have since disappeared and the tramway no longer exists. There was significant bomb damage in World War II and subsequent rebuilding, including on the appeal site. The 19th century street pattern is clearly evident although many of the main routes, including Harleyford Road, now carry large volumes of traffic. The VCA also has a number of open spaces and green areas, the largest of which are the Vauxhall Pleasure Gardens and Vauxhall Park. The VCA is densely developed and varied in terms of buildings and uses. Generally, it is characterised by buildings of a fairly modest scale, typically between 2 and 4.5 storey in height
65. In Harleyford Road, the Georgian terraces that once lined the street have been fragmented. However, sufficient remain to provide a good indication of how London developed and the way people lived during the 19th century. Whilst many fell into disrepair, the Council undertook a programme of renovation and refurbishment to improve their condition. Harleyford Road is now a busy arterial traffic route into central London and retains the straight alignment and width of the historic toll road.
66. In the 1960's the Victorian houses in Bonnington Square, were saved from demolition by community action. The subsequently regenerated area is a unique piece of townscape with its unity of architecture, narrow roads and verdant streetscape. Vauxhall Grove, like Bonnington Square, was possibly intended to be

laid out around a traditional garden square. However, in both cases the central element was filled with houses and consequently the area is densely built. The trees that line the streets are a particular feature and although there is some modern infill, Vauxhall Grove is also characterised by the coherent nature of its architecture. The main SACS building and the east-facing gateway onto Vauxhall Grove contribute positively to the significance of the VCA, for the reasons that I have given above. The contribution to its character would largely be lost following their demolition, although the gateway would be retained and relocated within the development.

67. The architectural style of the proposed building would reflect in a modern way the features of the Georgian terraces as I outlined in the preceding issue. In my opinion it would therefore make a contribution to the significance of the VCA in terms of materiality and design. However, I do not consider that the height and bulk of the front part of the new building would be sympathetic to the scale of built development that characterises the heritage asset. It is appreciated that there are also taller landmarks, such as the Academy and more recently the 4-6 storey commercial buildings along Bondway and Muscovy House. These buildings and their contribution to the townscape has been considered under the previous issue. For similar reasons I do not consider that they provide a justification for the size of development proposed on the appeal site.
68. The Conservation Area Statement recognises that significant regeneration is taking place to the west and south of the VCA and that its setting will change significantly. The tall buildings in the VNEB have already been referred to in the previous issue and it is clear that there is further development in the pipeline. Cobalt Square is also within the setting of the VCA and is surrounded on all sides by the heritage asset. I have already commented on its adverse effect on the street scene and equally it is a detractor within the setting of the VCA.
69. My conclusion in the previous issue was that the height and bulk of the appeal scheme would be relatively local in terms of its adverse impact on the townscape. The requirement in terms of the VCA is to consider the effect on the significance of the heritage asset as a whole and not just the part of it closest to the site. For the reasons I have given I consider that there would be less than substantial harm to the significance of the VCA, but that this would be at the low end of the spectrum.

15-33 Harleyford Road

70. These buildings include Nos 15-25 (odd), which are Grade II listed buildings and Nos 27-33 (odd), which are on the Council's Local Heritage List and thus considered as non-designated heritage assets. They occupy the northern side of the road, opposite the appeal site. They were all built in the early 19th century and comprise modest sized two-storey town houses, some with a semi-basement and steps up to their front door.

The designated heritage assets

71. Nos 15-25 (odd) are subject to several listings of individual properties or pairs of houses and vary in terms of their architectural detailing. Nos 19 and 21 are largely unaltered and form a symmetrical pair whereas Nos 15 and 17 are not intact and include later roof additions. The side elevation to No 23 is angled away from the

road and the front elevation of No 25 continues this diagonal orientation. These properties provide a good example of the Georgian domestic architecture that housed the middle classes moving out of central London.

72. The immediate setting comprises the areas between the railings along the back edge of the pavement and the front of the buildings. This comprises a front garden or, for those with semi-basements, a lightwell and stone steps up to the front door. The wider setting in which the heritage assets are experienced is provided by Harleyford Road and its immediate vicinity. This has changed significantly and the historic terraces that once fronted both sides of the toll road are now fragmented. There are modern developments such as Cobalt Square, and Harleyford Road itself has become a busy, modern arterial route. The appeal site is opposite the listed buildings and is part of their wider setting.
73. The significance of the listed buildings relates primarily to their built fabric, historical development and immediate setting both individually and as a group. That would not change with the appeal development. Whilst the existing buildings on the appeal site are part of the wider setting, they are an insignificant element due to their height and position relative to these heritage assets. Also, the main SACS building includes features that reflect the historic buildings as referred to above. The increase in height and bulk arising from the appeal development would be imposing when seen from Harleyford Road in the short view, as I have previously described. There would thus be less than substantial harm to the significance of the listed buildings, but this would be at the low end of the spectrum due to the limited contribution derived from the wider setting.

The non-designated heritage assets

74. Nos 27-33 (odd) are subject to separate entries on the Local Heritage List, but their interest is the same and the four houses are appreciated as a group with similar architectural features and a shared history. The two-storey terrace stands alone and does not join the listed group to the north-west. It was built in the early 19th century, but the houses are generally simpler in terms of detailing and of a lesser scale than their listed neighbours. Nos 31 and 33 are forward of Nos 27 and 29, but each house stands back behind a small front garden and railings define a consistent line along the pavement edge. Their immediate setting comprises the small front gardens enclosed by railings along the pavement edge. It also includes the listed terrace to the west and a parking area to the east, which was formerly occupied by the end house in the terrace. My comments on the changes to the wider setting are the same as for Nos 15-25 (odd).
75. The significance of the locally listed buildings derives mainly from their built fabric and history as a group. There is also value from the immediate setting. The interest of the group would not be affected by the appeal proposal in these respects. The wider setting makes a small contribution to significance for the same reason as its listed neighbours. The appeal development would therefore result in a limited degree of harm to this housing group.

Clun Terrace, (48-56 (even) Harleyford Road) and The Parade (58 and 60, Harleyford Road)

76. Clun Terrace originally comprised a group of five town houses and The Parade comprised a separate pair of houses. Whilst they were built at a similar time to

Nos 15-33 (odd) they were likely constructed for wealthier people moving out of the city. These are impressive three storey buildings with semi-basements and stone steps that lead up to the front door. The houses stand back behind small front gardens and lightwells enclosed by railings atop low walls along the back edge of the pavement. There are more recent interventions that detract to some degree from the quality of this historic group, including a mansard atop The Parade. In addition, the buildings are now joined due to a modern infill above the old entranceway that serves the recently built Percival Mews.

77. The immediate setting comprises the private, enclosed spaces between the pavement edge and the front of the houses. My comments on the wider setting and the changes that have occurred is similar to those made in respect of the heritage assets on the opposite side of Harleyford Road. The listed buildings are opposite the site of St Anne's Catholic Primary School with its modern school buildings. In the 19th century it would have faced the industrial site of Eldon Works. To the rear, the former nursery and market gardens, which were present when the houses were built, were replaced with the densely developed residential area of Vauxhall Grove.
78. The significance of the listed buildings relates primarily to their built fabric, historical development and immediate setting both individually and as a group. That would not change with the appeal development. The wider setting makes a relatively small contribution to their significance and my comments in relation to Nos 15-33 apply equally here. The increase in height and bulk arising from the appeal development would be a dominating feature that would extend above the historic roofline when seen from Harleyford Road as I have previously described. There would therefore be less than substantial harm to the significance of the listed buildings and Clun Terrace in particular. However, this would be at the low end of the spectrum bearing in mind the limited contribution to significance derived from the wider setting.

Conclusions

79. It is acknowledged that changes have been made to the scheme, including a reduction in the height and massing to the rear, which has sought to mitigate the harm. This has been generally successful in the relationship with Vauxhall Grove, but not in respect of Harleyford Road. For all of the above reasons I consider that the appeal development would not integrate satisfactorily with its historic surroundings in this respect.
80. Paragraph 212 of the Framework makes clear that when considering the impact of a proposal on the significance of a designated heritage asset great weight should be given to the asset's conservation. In the case of the listed buildings the harm that would ensue would be within the wider setting, from which a degree of significance is derived. With respect of the VCA the harm would mainly be experienced within the part that is close to the site. My conclusions are that there would be less than substantial harm to the significance of the designated heritage assets and that in each case this would be at the low end of the spectrum. However, it is not unreasonable to have regard to the fact that in this case there are a number of designated heritage assets that would be so affected. Paragraph 215 of the Framework indicates that any harm should be weighed against the public benefits and this balancing exercise is undertaken later in my decision.

81. The non-designated heritage assets are 27-33 (odd) Harleyford Road, the main Settlement building and the east-facing gateway to Vauxhall Grove. In the case of Nos 27-33 (odd) there would be some loss of significance due to the proposed development being in the wider setting, but this would be of a very limited nature. In the case of the main Settlement building there would be harmful effects to significance although this would not be totally lost. The gateway would be re-located into the scheme and so the effect on its significance would be largely mitigated. Paragraph 216 of the Framework indicates that the effect of the proposed development on the significance of a non-designated heritage asset should be taken into account and a balanced judgement reached having regard to the scale of harm or loss and the significance of the asset. The balancing exercise is undertaken later in my decision.
82. Whether or not the appeal proposal would comply with policies HC1 in the London Plan and policies Q20 and Q22 will depend on the outcome of the necessary balancing exercise. However, due to its wording, there seems no doubt that there would be conflict with policy Q23 in the Local Plan. This policy says in terms that the Council will resist the loss of non-designated heritage assets. Whilst the supporting text refers to meeting the relevant tests in the Framework, that does not assist in interpretation but conversely seems to be contradictory to the policy criterion itself. The Council itself seems to have recognised the conundrum, In the Statement of Common Ground it is agreed that the demolition of the main SACS building would not preclude the opportunity for a replacement building of appropriate quality and scale to be supported.

THE EFFECT OF THE PROPOSED DEVELOPMENT ON DAYLIGHT

Policy context

83. The British Research Establishment has published guidance on the planning of site layouts to achieve good daylight and sunlight in buildings and spaces in *Site layout planning for daylight and sunlight: A guide to good practice* (the BRE Guide). The latest edition was published in 2022 and makes clear that its advice is not mandatory, should be considered flexibly and is not a policy making instrument.
84. Policy D6 in the London Plan relates to housing quality and standards. It includes a provision that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate to its context. Policy Q2 in the Local Plan includes a number of provisions relating to amenity. Amongst other things it supports proposals that would not unduly impact levels of daylight and sunlight to an adjoining property. The supporting text refers to the BRE Guide, albeit to an earlier version.
85. *The Lambeth Design Guide* supplementary planning document talks about the application of alternative target criteria and applying a flexible approach. The Mayor of London's *Housing* supplementary planning guidance makes a similar point about the flexible application of the BRE Guide especially in certain places, including accessible locations, where alternative targets may be used. This should take account of local circumstances, the need to optimise housing capacity and the scope for change in an area over time. The guidance goes on to say that the assessment should draw on broadly comparable residential typologies within the area and of a similar nature across London. Full optimisation of housing potential

on large sites may necessitate standards which depart from those presently experienced, but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.

86. The Framework indicates that a flexible approach should be taken in applying policies or guidance relating to daylight and sunlight. This is so as not to inhibit the efficient use of land so long as acceptable living standards are achieved.

Agreed matters

87. A daylight assessment has been undertaken by the Appellant. The methodology follows the BRE Guide, and the calculations and the assessment were agreed by the 3 main parties in the Statement of Common Ground on Daylight and Sunlight (SCG DS).
88. The *Rainbird* High Court judgement² makes clear that the correct approach to assessment is in two stages. The first stage involves the calculation relating to changes in daylight levels and the second stage is whether noticeable changes in daylight levels would be acceptable. The latter would depend on a number of factors, including the local context, and would involve judgements being made. At the end of the day, any harm identified in the daylight assessment should be addressed through the planning balance and be weighed with other harms against benefits. This is the approach I have followed.

Sunlight and overshadowing

89. The SCG DS records that this was not a matter in dispute. However, a number of residential occupiers have expressed concerns about this issue, and I therefore asked for an agreed explanatory note. Unfortunately, the outcome of this request was not as straightforward as I had anticipated. The information was produced at the very end of the inquiry, which was far from ideal. Furthermore, the Rule 6 Party's daylight expert expressed several concerns notwithstanding his previous position within the SCG DS. Nevertheless, there is sufficient information for me to reach a conclusion on the matter as I explain below.
90. The BRE Guide refers to annual probable sunlight hours (APSH) and recommends that at a given window at least 25% of the total available should be received, including at least 5% in winter. Where the values following development do not meet these values and the absolute loss exceeds 4% then proportional reductions should not exceed 20%. The BRE Guide advises that only windows within 90° of south need to be assessed, and that kitchens and bedrooms need not be analysed unless they include a living space.
91. The properties most likely to be affected are those on the northern side of Harleyford Road, opposite the appeal site. Nos 15, 17, 19 and 21 have basement bedrooms, which would receive less than 5% sunlight in winter following development. These dwellings are not subdivided in terms of living units and there is no evidence that any of the basements are used as bedsits, including no 19, which I visited. Nos 23, 27-33 (odd) do not have basements and the ground floor rooms are fully compliant.
92. No 25 is angled away from the road and its front rooms are highly constrained by

² *Rainbird v London Borough of Tower Hamlets* [2018] EWHC 657 (Admin)

the position of its neighbour, no 27. At present the sunlight received, even in winter, exceeds the BRE Guide values. Following development however there would be 0% sunlight in winter and only 16% APSH. The orientation of this property means that there are inherent sensitivities already, but nonetheless the occupiers would experience a loss of sunlight.

93. There would be a reduction in the amount of sunlight received by many of the front facing ground floor rooms in the above properties following development, including in the winter months. However, apart from No 25 there would be compliance with the BRE default values. Overall, I am satisfied that the proposed development would not result in an unacceptable loss of sunlight.

The BRE Guide and target values

94. There are two measures relevant to the consideration of the effect of the proposed development on the existing buildings nearby. Vertical sky component (VSC) provides a measure of the amount of daylight reaching a window and no skyline (NSL) provides a measure of the distribution of light within a room. The BRE Guide makes clear that both should be used in the daylight assessment, although for a meaningful result in terms of NSL the layout of the room should be known. The assessment relates to habitable rooms and not bathrooms, for example.
95. If the target value for VSC is less than 27% or less than 0.8 times (20%) its former value, the reduction in daylight would be noticeable to the occupier. The assessment is generally done to the main window but if there are one or more smaller windows lighting that room a weighted VSC can be derived to take account of that contribution. The BRE Guide indicates that this should not be used where windows are more than 5m apart. Obstructions such as projecting bays or recesses can affect the amount of daylight received in the room and this needs to be taken into account in an assessment.
96. There is no default target value for NSL in the BRE Guide. However, it advises that if the value is reduced by less than 0.8 (20%) of its former value, the daylight effects would be noticeable to the occupier and the room would become gloomier, with greater reliance on electric lighting. It should though be noted that NSL measures the parts of the room where sky can be seen, and this could be just a sliver being visible. The BRE Guide does not recommend its use for rooms over 5 metres in depth that are lit by a single window from one side only. Bedrooms are considered of secondary importance to living rooms, dining rooms and kitchens in terms of NSL.

Alternative target values

97. The BRE Guide makes clear that its numerical guidelines should be treated flexibly. These were not devised with any particular built typology or location in mind. However, the default VSC target of 27% is derived from a 25° development angle between buildings that would equate to 2-3 storeys in height and in many urban locations it may not be appropriate. Although no specific alternative targets are recommended, the BRE Guide does envisage that such may be applied in certain circumstances to VSC. Practitioners do not generally advocate setting a target value for NSL, but it is likely that if a lower alternative VSC target is applied, NSL values will be less meaningful.

98. The Appellant produced cut-back diagrams showing the parts of the proposed building that would need to be removed to achieve the BRE default target. The result would be a 2-4 storey building, assuming the same footprint. In order to consider whether it would be reasonable to apply an alternative VSC target it is appropriate to take account of the specific circumstances pertaining to the appeal site itself. It comprises previously developed land that enjoys the highest level of public transport accessibility but is currently occupied by buildings ranging from one to 3.5 storey in height. There are open areas to the side and rear and I have no doubt that it is currently being significantly underused in terms of its development potential. Overall, the application of the default target would not sit very comfortably with planning policy at both the national and local level, which seeks to optimise the use of land such as this.
99. I note that the Appellant's assessment has identified some examples of very low existing VSCs locally. These include houses in Bonnington Square and Vauxhall Grove where the back-to-back distances are often small and there are constraints to the rear of properties, including outriggers. It was also pointed out that there are prestigious streets in Central London where low levels of light are not unusual, especially at ground or lower ground floor level. These situations are historic and generally existed long before the benefit of well-lit environments was considered important. Those choosing to live in such areas have no doubt weighed up the advantages and downsides. However, existing residents adjoining the appeal site do not have such a choice. Furthermore, I do not consider that the relationship between buildings in the Appellant's examples are particularly comparable to the relationship that the appeal development would have with its existing neighbours, apart perhaps in respect of 56-58 Vauxhall Grove. Bearing in mind the importance of daylight to mental health and wellbeing, it is not unreasonable to expect that this is taken into account when considering appropriate alternative values.
100. Evidence was presented about a variety of developments in Lambeth and elsewhere where reductions in VSC values have been found acceptable. Indeed, reference was made to two appeals that I considered myself and one agreed with a "mid-teen" approach whilst the other did not³. I do not consider it is necessary to set out my conclusions on each of these cases, although I have considered them all carefully. I acknowledge that some of the examples appear on the face of it to involve similar circumstances to those pertaining here. However, it is clear from a closer inspection that in many cases there were differences, including in terms of local context, inherent sensitivities and the judgements of the decision-makers in terms of acceptability.
101. The Appellant favoured a mid-teens approach to VSC levels, by which I take to mean a value of around 15%. In opting for this, reference was made to development angles in Harleyford Road and, most particularly, the relationship between Cobalt Square and existing properties. To illustrate this, the Appellant has used the example of No 19, where the existing VSC of the lower ground floor bedroom is shown to be 15.14%. This is shown to equate to a development angle of 46°. The development angle between this window and Cobalt Square is shown to be 43°. It was contended that the difference in terms of VSC would be minimal.

³ 17-37 William Road, London NW1 3ER (APP/X5210/W/21/3284957) and Burgess Business Park, Parkhouse Street, London SE5 7TJ (APP/A5840/W/19/3225548). Although in the former case most windows reached a VSC of 17.5%.

However, I do not consider this to be a convincing approach because No 19 is opposite the appeal site and its light will only be partly affected by Cobalt Square. The highest part of the proposed building opposite No 19 would be the set-back sixth floor, which at this point would be closer to the parapet. It seems to me that a more realistic assessment of existing VSCs affected by Cobalt Square would relate to 15 Harleyford Road where the evidence indicates existing VSC levels of 17.85% and 21.8% for the lower ground and upper ground floor respectively.

102. The Council accepted that a lower target value was justified in this case but favoured a VSC value of 18% for living rooms, dining rooms and kitchens and 16% for bedrooms. The Rule 6 Party did not suggest any lower target value. I agree with the Council and the Appellant that the BRE default value of 27% for VSC would not be appropriate in this particular case, for the reasons I have already given. If this were to be observed, it would unacceptably constrain what could be done with the land. On the other hand, account must be taken of the townscape context and character. In such circumstances I agree with the Council that a VSC value of 18% for living and dining rooms and a VSC value of 16% for bedrooms, would be appropriate and reasonable in this case.

The assessment

103. The Council has divided the degree of harm to daylight into minor, moderate and major categories. The BRE Guide refers to such an approach for Environmental Impact Assessment development. Whilst it can be quite useful as a starting point, it does not say anything about retained levels of daylight, which may still meet the relevant target value. I prefer to reach an overall judgement, taking all relevant factors into account.
104. In terms of the properties most likely to be affected there was some disparity between the main parties. The Council and Appellant considered that these would be 19, 21, 23, 25, 27, 29 and 48 Harleyford Road and 1, 56 and 57 Vauxhall Grove. The Rule 6 Party considered that 31 and 33 Harleyford Road; 58, 71a and 71b Vauxhall Grove; and Cobalt Square should also be assessed. These have all been considered in the Appellant's daylight assessment apart from Cobalt Square, which was included in an earlier version not before the inquiry.
105. Cobalt Square is a large office complex, and there is no evidence that the building may in the future be converted to residential use. The 3 windows in question are in the east facing mansard roof. No objections have been raised by the owners of Cobalt Square. Whilst it is appreciated that adequate light is necessary in working environments, this is a very large development used by a single occupier who has also raised no objection. It is not known whether these rooms are used as workspaces or whether there are any other light sources. Taking account of the overall size of the Cobalt Square development, I do not consider that any infringement to these windows would be of determinative importance.
106. With regards to 71a and 71b Vauxhall Grove, there would be a very small infringement in terms of the daylight received by one window of a three-section bay. All main parties agreed that any effect on that property would be negligible.

19, 21, 27 and 29 Harleyford Road

107. There was a great deal of debate about whether the ground floor of these houses should be assessed as being subdivided into two single aspect rooms or as one

dual aspect room. Whatever the original floorplan, these properties now have openings between the front and rear reception rooms. However, in the case of Nos 21 and 27 there are doors that can separate the two. In addition, No 27 has a garden room with glazed doors and a partially glazed roof and No 29 has a kitchen at the back with glazed doors.

108. It is the Appellant's position that the ground floor of these dwellings should be treated as a dual aspect living space. I am inclined to agree on this point with respect of Nos 19 and 29 where there is no closable barrier between the front and back. Although different parts of the space may currently be used for different purposes that is a matter of choice for the occupier and not of importance to the consideration of daylight. The point is that there is no means by which the front and back portions could be closed off unless doors were added, which seems rather unlikely. However, the occupiers of Nos 21 and No 27 could choose to shut their partition doors, so the front and back rooms should be assessed separately.
109. Whether the rooms are subdivided or not, the assessment has considered both scenarios. On the basis of a single aspect room the retained VSC values of the front part facing the site would be between 17.34% and 17.90%. Whilst these values would be close to the alternative target of 18%, these rooms have relatively high existing VSCs and the reduction in value would be well above 20% and in the case of Nos 21 and 27 it would be nearly 40%. The reduction in NSL would be 44.5% and 52.3% respectively, based on single aspect front rooms.
110. The lower ground floor bedrooms in Nos 19 and 21 would have retained VSC levels of 15.14% and 14.91%. and the proportional reduction in VSC would be 27.87% and 32.29% respectively. Proportional reductions in NSL would also be quite high although this is less important for bedrooms.
111. I consider that the effects on daylight would be significant and adverse in respect of these 4 properties. I have had regard to their position relative to the more open parts of the appeal site in my consideration of the proportional reductions.

23, 25, 31, 33 Harleyford Road

112. In No 23, there would be over 35% reduction in VSC levels to the ground floor living room and an actual level of around 16%. The NSL reduction would be over 45%. The bedrooms would also suffer considerable percentage reductions in NSL although their VSC would be over 18%. In my judgement overall the harmful effect on daylight to the living room of No 23 would be significant and adverse
113. In No 25, the ground floor living room has a low existing VSC due to its angled arrangement towards No 27. In such circumstances the proportionate reduction in VSC following development would be relatively high. A bedroom window would be similarly compromised although there would be no effect on daylight distribution. The effect on this property would be at least in part due to the inherent sensitivity of its obstructed outlook. Nos 31 and 33 would have retained VSC values of over 20% for all relevant rooms. The reduction in NSL would be very small apart from the bedroom to No 31 where it would be 22.8%. The overall the loss of daylight to Nos 25, 31 and 33 would be relatively small and not unacceptable.

48 Harleyford Road

114. There are two windows on the lower ground and ground floor facing towards

Vauxhall Grove. It is understood that these serve a flat but there is no evidence of the actual room uses. These windows are affected by inherent sensitivities, including the recessed location, the proximate fire escape and boundary walls. This means that even a modest obstruction from development on the appeal site would likely result in a large relative impact on the VSC. It is the Appellant's evidence that taking this into account, there would be a retained VSC of 18% in respect of both windows. I agree with this assessment and the overall loss of daylight would therefore not be unacceptable.

1 Vauxhall Grove

115. It is understood that the property is divided into two living units with a basement bedsit. The front window serving this area is already severely compromised being within a lightwell and mostly covered by an iron grill. VSC levels are very low and would remain so with the development in place. The ground floor living/ kitchen/ dining room is served by a large window at the front and windows at the side and rear. The retained VSC would be 17.57% with a high proportional reduction. The Council has used a weighted average so that light from the side window is included. On this basis it is satisfied that the VSC would be 18% and acceptable. However, the Appellant has indicated that the two windows are over 5m apart and the BRE Guide advises that such an approach should not be used. The upper floor rooms would continue to receive good levels of daylight following development. In my judgement overall the effects on daylight on the ground floor living room would be significant and adverse.

56-58 Vauxhall Grove

116. These properties comprise a basement and three storeys and their rear elevations face towards the site. There are three-storey outriggers that project beyond the main rear wall of the terrace and these considerably compromise the available light and result in greater proportional effects from obstructions as explained above. The main living rooms are understood to be at the front, which would be unaffected by the proposed development.
117. In No 56 there is a basement kitchen and dining room and a ground floor bedroom which would experience high proportional losses of VSC, low retained VSC values and high percentage losses in NSL. Even though the kitchen is relatively small, I am not convinced that it should be excluded from consideration. In each case there would be over 30% reduction in VSC values, but this is mainly to windows where light levels are already low due to compromised positions, including recesses and rear projections. In such cases the proportional effect of the new building would be relatively high. In addition, one of the three windows to the bedroom would have a retained VSC of over 18%.
118. In No 57 three rooms would be affected, but apart from one, the percentage loss in VSC would be less than 20% or the retained VSC would be over 18%. One window would have a 25% VSC loss and a retained level of 13%, but the use of the room is not known. One top floor room would experience a reduction of 27% but this would mainly be due to the low, narrow window.
119. No 58 is owned by the Appellant and the basement is used for office purposes. I visited this property and whilst there are relatively high proportionate losses in VSC to the two bedrooms, each would retain levels of over 16%. However, the

ground floor kitchen would be considerably affected, with over 62% loss in VSC and a reduction from about 17% VSC to about 6% following development. The proportional loss of NSL would also be high at over 34%. I observed that the kitchen is very small and probably not big enough for a table. It has been discounted by the Appellant due to its size, However, it appeared to be valued as a domestic space by the occupiers of this flat and in my opinion should be evaluated.

120. The loss of daylight to Nos 56 and 57 would not be unacceptable overall, However, the kitchen of No 58, which is currently a relatively light space would become gloomy and uninviting. In relation to this room there would be a significant and adverse effect, in my judgement.

Conclusions

121. Drawing together the above points, it is clear that the appeal scheme would result in noticeable effects on the daylight received by the aforementioned residential properties. However, noticeable does not necessarily mean unacceptable. The BRE Guide makes clear that its values are advisory and should be considered flexibly. The appeal involves a brownfield site within a highly accessible location and the application of the default values in terms of VSC would not allow a development that would optimise the land resource. For this reason, I have taken a flexible approach to considering an alternative target value that is also appropriate to the local context. For the reasons I have given I prefer the Council's evidence in this respect to that of the Appellant.
122. I appreciate that at the application stage the Council had independent advice from Avison Young that concluded that the appeal proposal would be satisfactory in terms of daylight. A great deal was made by the Appellant of the fact that that this advice was disregarded by the Council. From what I could gather, there were some shortcomings in the information available to Avison Young who were not present to give evidence to the inquiry. In any event, the Council appointed another consultant to present expert evidence on its behalf. Whilst the Appellant's expert did not agree with his conclusions there was no criticism of his professional expertise.
123. My consideration is on the basis of VSC values of 18% for living rooms, dining rooms and kitchens and 16% for bedrooms. Examples of poor daylighting in nearby properties is not justification for perpetuating it elsewhere, and in any event, I am not convinced that overall they are comparable. I have concluded that the development would result in a significant and adverse effect on the daylight of 19, 21, 23, 27 and 29 Harleyford Road, 1 and 58 Vauxhall Grove. The reduction in sunlight received by the Harleyford Road properties opposite the site, would not be unacceptable.
124. For these reasons there would be an adverse effect on the living conditions of the occupiers of these properties and conflict with policies D6 in the London Plan and policy Q2 in the Local Plan in this respect. I appreciate that policy Q2 has 8 different provisions, and that only one would be offended. However, each criterion relates to a different aspect of amenity and therefore each is a separate interest of acknowledged importance. In policy D6, only one criterion addresses the effect of new housing on that existing around it. In such circumstances it is not unreasonable to conclude that a breach to both policies would occur.

THE BENEFITS OF THE PROPOSED DEVELOPMENT TO LATIN AMERICAN, CREOLE AND CATHOLIC COMMUNITIES WITHIN THE LOCAL AREA

The work of SACS

125. SACS has been undertaking charitable work from the appeal site for well over 100 years. I have briefly outlined its historical development in paragraph 55 above. It provides a variety of services and facilities to a number of charitable organisations and community groups. Its Mission is *“to relieve hardship among people of all faiths and of no faith living or working in the present Roman Catholic Archdiocese of Southwark by providing such persons with support including the provision of community, health and learning facilities and resources”*. Accommodation is let at a subsidised rent, including the halls, rooms and offices.
126. SACS facilitates groups that provide support and guidance to Latin American communities. This is needed on many levels including spiritual, emotional, educational and social support. It also provides a base for Creole groups to meet, in particular in relation to preserving their language and culture. It facilitates important services for children and young people, which include breakfast clubs and after school activities. It supports the provision of networks for older people. It provides space for religious education, choir groups and arts and music events for a number of ethnic groups. It provides office space for the Catholic Truth Society, which promotes the Catholic faith through religious publications.
127. I heard from a number of people at the inquiry who either provide or benefit from the welfare and charitable work that SACS supports and facilitates in accordance with its Mission. Their testament seemed to me to be honestly given and the questions they were asked indicated that they were speaking at their own behest and had not been told what to say by SACS.
128. The appeal proposal would secure the long-term future of SACS. Both the written evidence from SACS itself and the representations from its users provide a clear picture of the shortcomings of the existing building caused by years of financial limitations in terms of maintenance and repair. As long ago as 1982 the issues with the fabric of the building were being pointed out and more recently several architects indicated that due to the condition of the building, refurbishment would be a waste of money.
129. Another major problem is that the building is not easy to get around. There are numerous internal changes in level that are accessed by steps and the stairways provide the sole means of getting from the ground floor to the basement and upper floors. Even getting up to the main entrance from Harleyford Road necessitates a flight of steps. As things stand, this is not a building that is available for many of those who want to use it. For example, there would be difficulties for those using prams or pushchairs, those people relying on wheelchairs or anyone experiencing mobility difficulties. Indeed, I heard from one lady with disabilities who gave a personal account of the indignities she had to endure whilst working to provide children’s services at the SACS building. SACS commissioned an architect to give independent advice on whether refurbishment of the existing building could be made compliant with the Building Regulations, which would require level access to the building. He considered the installation of platform lifts, ramps and an internal lift core. However, the evidence indicates that

these interventions, even if they could be afforded, would unacceptably compromise the usability of the internal areas.

The proposed community use by SACS

130. The appeal proposal would provide purpose-built floorspace to meet the existing and future needs of SACS within a fully accessible environment. The hall and charitable spaces would continue to be offered at subsidised rates through funding provided from letting the proposed first floor office space to commercial occupiers. In addition, there would be a significant increase in useable floorspace so that SACS could expand its work and develop new areas for the benefit of the communities that it serves. For example, it aims to grow its services to primary school children to meet increasing demand. It is also interested in working with a specialist charity for child autism and accommodating a service that provides tuition for students seeking university places. The nursery, which closed a few years ago, is intended to re-open. The hall would be important for educational provision during the week, community and charity use in the evening and religious teaching at the weekends.
131. The Rule 6 Party levelled a number of criticisms about the proposed internal layout and whether it would be fit for purpose. However, I did not find these criticisms very convincing and, in any event, if there were found to be shortcomings there is no reason why the proposed arrangement of rooms and spaces could not be adjusted. For all of the above reasons, I conclude that the proposed development would have a beneficial effect on Latin American, Creole and Catholic communities within the local area. It would be in accordance with policies S1 and GG1 in the London Plan and policy S2 in the Local Plan.

The impact of the loss of the facilities provided by SACS

132. From everything that I have read and heard I consider that the probability is that SACS would not remain in Vauxhall if the appeal is dismissed. I appreciate that it has been in discussion with the Council about a redevelopment scheme for at least 12 years. I also acknowledge that the cost, including of the appeal, has been considerable and could have been well spent on its charitable work. Wishing to recoup some or all of this from the sale of the land would be understandable. SACS has indicated that it intended to continue to serve communities in need elsewhere within the Roman Catholic Archdiocese area of Southwark. This covers a large area including London boroughs south of the River Thames but also Kent and the Unitary Authority of Medway. It made the point that moving out of London may allow it to find more affordable premises following the sale of the land.
133. The poor condition of the building and its problems relating to accessibility would not be likely to make it any more of an attractive proposition to other community uses than it is to SACS. The reality is that the site is likely to be redeveloped, and notwithstanding the provisions of policy S1 in the Local Plan, it seems unlikely that this would include a community facility like SACS. This would of course mean that there would be a loss locally for the individuals and community groups that rely on SACS and benefit from the various facilities and services that it provides. Included here would be children and, groups serving the Latin American, Creole and Catholic communities within the area. In such circumstances the objectives of policy GG1 in the London Plan and policy S1 in the Local Plan would not be met.

THE EFFECT ON LIVING CONDITIONS THROUGH ENCLOSURE

134. The Council was concerned that occupiers of 58 Vauxhall Grove would suffer from an undue sense of enclosure to the detriment of their living conditions. The rear of this property faces the appeal site and at present has a relatively open aspect as the nearest development is the single storey hall building. The appeal development, even though there would be a reduction in height from front to back, would result in a considerable change in outlook. I observed that the 3 windows of concern serve a kitchen and two bedrooms.
135. Due to the position of the tree within the appeal site, the view from the windows in question is filtered. This tree would be felled and following redevelopment there would be a considerable reduction in the amount of visible sky. Nevertheless, taking account of the stepped nature of the proposed building and its position relative to the rear of No 58, I am satisfied that there would not be an oppressive or overbearing impact. In this respect the amenity of the existing occupiers of No 58 would not be unacceptably diminished, notwithstanding that I have found an adverse impact in daylight to the kitchen of this property.

CONCLUSIONS AND PLANNING BALANCE

THE BENEFITS OF THE SCHEME

For the sake of clarity, I have used the following scale when weighing the benefits from lowest to highest: limited, moderate, significant

The benefits provided by SACS

136. The appeal proposal would provide and increase purpose-built, modern floorspace for SACS to enable it to continue and expand its welfare work and support for charitable organisations. This would include the provision of accommodation at subsidised rents. *The Public Sector Equality Duty* (PSED) requires that due regard must be paid to eliminating discrimination, advancing equality of opportunity and fostering good relations for those who share a relevant protected characteristic. These relate to age, being pregnant, disability, race including colour, nationality, ethnic or national origin, religion or belief and sex. They are shared by many of the individuals and community groups that would use the proposed community facilities, including Latin American and Creole support organisations, elderly people, faith groups and youth services.
137. In addition, the facilities would be fully accessible so that they would be available to all, including those with disabilities and mobility difficulties. Policy GG1 in the London Plan, seeks to build strong and inclusive communities and is particularly relevant here. The equality benefit has significant weight.
138. Under the *United Nations Convention on the Rights of the Child*, the best interests of children must be a primary consideration. Many of the activities that SACS facilitates provide important services for children and young people as I have already detailed. There would therefore be a significant benefit in terms of the rights of children.

The benefit of housing provision

139. The appeal proposal would include 33 residential units. I note the comments in the 2023 Viability Assessment about the glut of new build flats on the market,

especially in the Nine Elms area. Nevertheless, the 2023 Housing Delivery Test indicates that there has been a significant under-delivery of homes within the Borough. Furthermore, the provision of the residential units in the scheme would help address the current shortfall of dwellings against housing needs, and this is a matter of significant weight.

140. Many objectors pointed out that the appeal scheme would provide no affordable housing for which there is an incontrovertible need. However, the Viability Assessment, which has been independently considered on behalf of the Council by Avison Young, makes clear that such provision would not be viable. Policy H5 in the London Plan and policy H2 in the Local Plan makes provision for viability testing if policy levels of affordable housing cannot be provided. The appeal scheme complies with these requirements. In accordance with these policies the Section 106 Agreement includes provision for early-stage and late-stage review mechanisms to ensure contributions towards affordable housing would be payable if it became viable to do so. This is a benefit of moderate weight.
141. The appeal proposal would provide a mix of one, two and three bedroomed flats. It was agreed in the SCG that it would meet local housing needs and be in accordance with policy H4 in the Local Plan. In reaching this conclusion the characteristics and location of the site were taken into account. This is a benefit of limited weight.

The benefit from the use of a brownfield site in an accessible location

142. There is no dispute that this is an accessible brownfield site that is presently being significantly underused in terms of its development potential. It is within a location with the highest level of accessibility, where options are available for most journeys to be undertaken on public transport or by walking or cycling. Policy GG2 in the London Plan encourages making best use of land, including accessible brownfield sites. The Framework indicates that substantial weight should be given to the use of suitable brownfield sites within settlements for homes and other needs. Just because brownfield land is ubiquitous in Lambeth does not downgrade its importance. However, this benefit is not unqualified, and paragraph 125 of the Framework also refers to the consideration of harm.
143. Policy D3 in the London Plan seeks to optimise site capacity through the designed approach. The policy explains that optimising means that development is of the most appropriate form and land use for the site. It is acknowledged that amendments have been made in terms of scale, but the height and bulk of the building would still not relate satisfactorily to its surroundings or take sufficient account of its heritage context or amenity considerations. To my mind this means that the appeal proposal would not optimise the capacity of the site or make the best use of this brownfield site. In the circumstances I only afford limited weight to this as a benefit.

Other benefits

144. The evidence indicates that the proposed development would result in a considerable net gain to biodiversity. As the application was submitted prior to the requirement for a 10% biodiversity net gain to be provided, any positive increase would be acceptable. However, the evidence indicates that there would be a biodiversity net gain well in excess of 10% as a result of the scheme. The appeal

proposal would comply with policy EN1 and G5 in the Local Plan in this respect. In the circumstances I afford limited weight to this as a benefit.

145. The Appellant's Sustainability Statement indicates that the total carbon saving through the combination of energy efficient design, decentralised energy and renewable energy would be 43% beyond Building Regulations target. This would exceed the 35% requirement in policy SI 2 and S1 7 in the London Plan. The evidence also indicates that 95% of construction waste would be recycled and that these matters would be controlled through planning conditions. In the circumstances I afford moderate weight to this as a benefit.
146. Within the CAZ higher densities of development are to be expected. For the reasons I have given I consider the immediate vicinity to share more characteristics with an urban location than a central one. Perhaps this is not unexpected given the location of the appeal site is on the very edge of the CAZ. Although the density matrix in the Mayor's *Housing* supplementary planning guidance is no longer in the London Plan it is clear that the proposed scheme would be at the top end of the density range for an urban area. Policy SD4 in the London Plan includes many provisions relating to the CAZ and most would be complied with. However, one provision indicates that the distinct environment and heritage of the CAZ should be sustained and enhanced. The appeal proposal is not in accordance with this and in the circumstances, I only afford limited weight to this as a benefit.
147. The proposed development would provide some employment opportunities during the construction phase. An Employment and Skills Plan would be actioned through the Section 106 Agreement and jobs would be provided for local people and apprenticeships would be made available. It is acknowledged that this is a requirement of the development plan, but it is difficult to understand why a benefit should be downgraded just because it is delivering an objective that is considered to be important and in the public interest. There would also likely be some new jobs during the operative phase of the development although these have not been quantified. Due to the uncertainty as to the amount of employment that would ensue, I only afford limited weight to this as a benefit.
148. Although it was indicated that 10% of the offices would comprise affordable workspace, no mechanism is proposed to ensure that this is provided and thereafter retained for this purpose. Whilst it would be possible to impose a planning condition to this effect it is not unreasonable to surmise that this may not be considered reasonable on grounds of viability. In the circumstances I only afford it very limited weight as a benefit.
149. It is acknowledged that there is strong local support for the scheme, but this mainly comes from users of SACS and those that benefit from its charitable work. I have already given this significant weight.
150. Overall, I give the package of benefits significant weight.

THE HERITAGE BALANCE

151. For the reasons I have given there would be harm to the significance of a number of designated heritage assets by virtue of the appeal development being within their setting. These are all Grade II listed buildings and include 15-25 Harleyford Road, Clun Terrace and The Parade. There would also be an adverse effect on

the character and appearance of the VCA. In each case I have concluded that there would be less than substantial harm to significance at the low end of the spectrum.

152. Paragraph 215 of the Framework makes clear that in such circumstances the harm should be weighed against the public benefits of the proposal. However, I am mindful that the balance is not even, and that great weight and importance must be given to the conservation of the heritage assets in accordance with paragraph 212. Heritage harm is a function of the importance of the asset and the magnitude of the harm. In this case it is relevant to consider the number of designated heritage assets to which this would apply.
153. Nevertheless, in this case the public benefits would be significant, including in relation to equality and the rights of children. In my judgement they would clearly outweigh the harm that would arise to the significance of the designated heritage assets either individually or together.

THE PLANNING BALANCE AND COMPLIANCE WITH THE DEVELOPMENT PLAN

154. For the reasons I have already given, the Council cannot demonstrate a 5 year housing land supply against its local housing need and the presumption in favour of sustainable development in paragraph 11 of the Framework therefore applies. This means that it is necessary to engage a “tilted” balance, having particular regard to key policies in the Framework for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
155. The appeal proposal would be harmful to the character and appearance of the area and fail to relate satisfactorily to the receiving townscape. It would not result in the optimal use of this accessible, brownfield site. There would also be harm to the significance of a number of designated heritage assets to which I must ascribe great weight and importance. Furthermore, there would be adverse effects on the significance of several non-designated heritage assets, including the existing SACs building and Nos 27-33 (odd) Harleyford Road. In addition, the appeal proposal would have a detrimental effect on the amenity of Nos 19, 21, 23, 27 and 29 Harleyford Road and 1 and 58 Vauxhall Grove by virtue of the loss of daylight.
156. The package of public benefits that would flow from the appeal proposal, include the clear equality benefits to children and those with protected characteristics. They would weigh significantly in favour of the scheme. However, in this case, the harms identified in the previous paragraph, when considered together, weigh very heavily against the appeal proposal. In my judgement, the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
157. In reaching this judgement I have had particular regard to the key policies referred to in paragraph 154 above, which are set out in Footnote 9 of the Framework. Policies in paragraphs 66, 84 and 91 are not applicable here. The policy in paragraph 66 relates to the mix of affordable housing meeting local needs. Whilst viability reviews would be undertaken and affordable housing contributions may ensue, that is not what paragraph 66 is specifically addressing. The policies in paragraphs 110 and 115 relate to sustainable locations and transport modes. The appeal proposal would be in accordance with these policies and the ensuing

benefit has been taken into account. Paragraph 129 concerns making efficient use of land having regard to prevailing character and setting, amongst other things. Paragraphs 135 and 139 concern achieving well designed places and include a number of requirements including site optimisation, local character and history. The policies in these latter 3 paragraphs have been considered in my reasoning, and have informed the planning balance that I have applied.

158. I have also considered the position if SACS were to sell the land and move away. It has indicated that it would seek to continue its charity work elsewhere in the Roman Catholic Archdiocese of Southwark. Having regard to the type of work that it does and the facilities it provides this would likely benefit those with protected characteristics and children, albeit outside of London. Nevertheless, SACS has a longstanding presence in Vauxhall and the benefits I have outlined in paragraphs 139 and 140 would not ensue. The communal value resulting from the long association of SACS within this locality would be lost. The equality requirements in the Public Sector Equality Duty and the Rights of the Child are matters of significant weight. However, the remedy, which would be to permit the development, would engender very significant harm, which in this case is a matter of compelling importance.

The development plan

159. There would be compliance with many policies in the development plan. These include the high-level growth policy GG1 in the London Plan and the social infrastructure policies S1 and S2 in the Local Plan. In view of my conclusions on the heritage balance, there would also be no conflict with policy HC1 in the London Plan or policies Q20 and Q22 in the Local Plan. In numerical terms many policies would not be offended. However, the correct approach is not a matter of arithmetic. Some policies will be of more importance than others in relation to this particular proposal. In this case there would be conflict with policies GG2, D3, D6 and SD4 in the London Plan and policies Q2, Q5, Q6, Q7, and Q23 in the Local Plan. In my judgement these policies are the most important to the determination of this appeal and I therefore conclude that the proposed development would not comply with the development plan as a whole.
160. Policy Q23 in the Local Plan does not fully accord with the Framework in its approach to non-designated assets. I therefore give less weight to the conflict with this policy. Nevertheless, in all other respects the policies I have identified are consistent with the Framework. For the reasons I have given, there are no material considerations that would indicate a decision being made other than in accordance with the development plan.
161. I have considered all other matters raised in the representations and at the inquiry. However, I have found nothing that changes my conclusion that the appeal should not succeed.

Christina Downes

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ms Heather Sargent Counsel, instructed by the Legal Services
Department of Lambeth Council

She called:

Mr N Barrett BPlan (Hons)	Principal Planning Officer of the Strategic Applications Team at Lambeth Council
Mr D Black BSc MSc MRTPI IHBC	Team Leader of the Conservation and Urban Design Team at Lambeth Council
Mr I Dias BSc(Hons) MRICS	Partner at Schroeders Begg (UK) LLP

FOR THE APPELLANT:

Mr James Maurici King's Counsel
Ms Harriet Wakeman Counsel. Both instructed by Rolfe Judd Planning
Ltd

They called:

Mr S Tickle BSc DipTP MRTPI	Director of Rolfe Judd Planning Ltd,
Mr C Pullan BA PGDip(Urban design)	MRTPI Senior Design Director at Pegasus Group
Ms B Weir BA MA IHBC Affiliate	Director at Smith Jenkins Planning & Heritage
Mr P Fletcher BSc(Hons) MSc	Director of Point 2 Surveyors Ltd and Waterslade Ltd
*Ms J Ginnane BA Hons ECON MSc	Chair of Trustees of St Anne's Catholic Settlement
*Mr M Brand BA Hons Real Estate Management	Land and Marketing Director, Thornsett, (development adviser to St Anne's Catholic Settlement)
*Ms M Clark BSc MSc MRTPI	Associate Director of Rolfe Judd Planning Ltd

*Only contributed to the conditions and Section 106 round table sessions

FOR THE JOINT RULE 6 PARTY:

Mr Michael Ball Representing the three Rule 6 Parties to the appeal

He called:

Mr M Ball BA DipAnthropol	As above
Mr C Bagot BSc DipArch Registered Architect	Director of Chris Bagot Architects Ltd
Dr C Ticleanu BSc PhD MSLL CIBSE	Head of the Lighting Team at the British Research Establishment and Lecturer at the Bartlett

School, University College London

INTERESTED PERSONS:

Ms H Renier	Local resident
Mr M Rushe	Director of ICE Architects Limited
Mr P Hilton	Headteacher of St Anne's Catholic Primary School
Ms V Conran who also read a statement on behalf of Ms T Stone	Local resident
Ms D De Souza	Past Director of St Anne's Settlement
Ms K Dudley	Local resident
Ms J Afful	Local resident
Mr P Finaldi	Chair of the Catholic Truth Society
Mr P Nawalagamalaralage	Local resident
Miss D Chapman	Formerly of St Anne's Community Centre Childcare
Ms M Ribeiro	A proprietor of St Anne's Community Centre Childcare
Ms E Findlay	Local resident
Father Carlos Abajos OAR	Chaplain of the Latin American Chaplaincy
Ms Mariutxy Ospina Cadavid	Volunteer and member of the Latin American Chaplaincy and Trustee of Sy Anne's Settlement
Mr J Munoz	Member of the Latin American community who attends At Anne's Settlement
Mr D Walsh speaking on behalf of Ms D Massereene	Local resident
Mr C Woods	Local resident
Ms J Michelson	Local resident
Ms M Doolittle	Local resident
Mr C Mahon	Headteacher of the Bonus Pastor Catholic College and Confirmation catechist within St Anne's parish
Mr V Adeya	Previous user of St Anne's Settlement building and local resident
Ms M Evers	Former local councillor and member of the Kennington, Oval and Vauxhall Neighbourhood Forum
Ms R Ulleri	Local resident
Mr G Hale	Local resident
Ms L Li	Local resident
Ms N Nerom	Founder of CréoleCéNous

DOCUMENTS HANDED IN AT THE INQUIRY

1	Mr Fletcher's further VSC drawings of 48, 1, 71a and 71b Vauxhall Grove and the rear of 40-41, 55-58 Vauxhall Grove
2	Appeal Decision APP/C1950/W/21/3284525 – 73 Bridge Road East, Welwyn Garden City AL7 1UT (23 September 2022)
3	Email Correspondence from Rolfe Judd to the Council detailing revisions to the scheme following the pre-application meeting in October 2019
4	Statement delivered orally to the inquiry by Ms H Renier on 22 October 2024
5	Statement delivered orally to the inquiry by Mr M Rushe on 22 October 2024

6	Presentation on townscape delivered to the inquiry by Mr Bagot
7	Overlay of the existing and proposed ground floor plans to show building lines
8	Email from the Bonnington Centre Community Association to Mr Ball relating to its standing as a Rule 6 Party to the appeal (23 October 2024)
9	Email to Father G Wilson from the Harleyford Road/Vauxhall Grove Residents Action Group concerning the operation of St Anne's Settlement (5 October 2022)
10	Presentation on townscape delivered to the inquiry by Mr Pullan
11	Statement delivered orally to the inquiry by Mr C Mahon on 25 October 2024
12	Written statement to the inquiry by Ms O Slater
13	Statement delivered orally to the inquiry by Mr P Hilton on 25 October 2024
14	Statement delivered orally to the inquiry by: Mr P Finaldi on 25 October 2024
15	Statement delivered orally to the inquiry by Mr P Nawalagamalaralage on 25 October 2024
16	Statement delivered orally to the inquiry by: Ms D Chapman on 25 October 2024
17	Statement delivered orally to the inquiry by Ms M Ribeiro on 25 October 2024
18	Statement delivered orally to the inquiry by Father C Abajos on 25 October 2024
19	Statement delivered orally to the inquiry by Ms E Findlay on 25 October 2024
20	Statement delivered orally to the inquiry by Maurixty Ospina Cadavid on 25 October 2024
21	Statement delivered orally to the inquiry by Mr J Munoz on 25 October 2024
22	Statement by Ms D Massereene delivered orally to the inquiry by Mr Mr D Walsh on 25 October 2024
23	Statement delivered orally to the inquiry by Ms M Doolittle on 25 October 2024
24	Statement delivered orally to the inquiry by Mr C Woods on 25 October 2024
25	Statement by Ms T Stone delivered orally to the inquiry by Ms V Conran on 25 October 2024
26	Council's Heritage Asset Map
27	Appellant's Heritage Asset Map
28	List of objectors and supporters who either appeared at the inquiry or put in written statements
29	Statement delivered orally to the inquiry by Mr V Adeya on 1 November 2024
30	Statement delivered orally to the inquiry by Ms R Ulleri on 1 November 2024
21	Statement delivered orally to the inquiry by Mr G Hale on 1 November 2024
32	Statement delivered orally to the inquiry by Ms L Li on 1 November 2024
33	Statement delivered orally to the inquiry by Ms N Nerom on 1 November 2024
34	Statement delivered orally to the inquiry by Ms M Evers on 1 November 2024
35	Written statement to the inquiry by Father Gerald Wilson
36	Written statement to the inquiry by Paul Mc Callum
37	Written statement to the inquiry by the Most Reverend John Wilson (31 October 2024)
38	Email from Mr Tickle to Mr Barrett explaining the reason for introducing into his evidence the appeal decision for 73 Bridge Road East (Document 2) (7th November 2024)
39	Presentation on daylight delivered to the inquiry by Dr C Ticleanu

40	Floor plans and photographs of 27 Harleyford Road
41	Presentation on daylight delivered to the inquiry by Mr Fletcher
42	Written statement to the inquiry by Ms C Callaghan
43	The Charity Commission for England and Wales Guidance: The essential trustee: <i>What you need to know, what you need to do</i> (May 2018)
44	Core Judgement <i>Cala Homes (South) Ltd v Secretary of State for Communities and Local Government & ANR</i> [2011] EWHC 97 (Admin), [2011] EWCA Civ 639
45	<i>Cala Homes (South) Ltd v Secretary of State for Communities and Local Government and Winchester City Council</i> [2011] EWHC 97 (Admin)
46	Council's notification of the local listing of the St Anne's Settlement building
47	Email from Mr Barrett regarding the local allocation of CIL payments (15 November 2024)
48	Correspondence relating to Mr S Durn, the principal architect for the scheme at Cartwright Pickard
49	Statement delivered orally to the inquiry by Ms V Conran on 25 October 2024
50	<i>James Francis Patrick Monahan v London Borough of Camden and Lab Selkirk House Limited</i> [2024] EWHC 2368 (Admin)
51	<i>Hurley and Moore V Secretary of State for Business Innovation & Skills</i> [2012] EWHC 201 (Admin)
52	<i>Alexander James Warren Wynne v Vale of White Horse District Council</i> [2024] EWHC 1008 (Admin)
53	<i>Stevens v The Secretary of State for Communities and Local Government</i> [2014] EWCA Civ 165
54	<i>Regina (Hurst) v London Northern District Coroner</i> [2007] 2 AC
55	Not used
56	<i>City & Country Bramshill Limited v Secretary of State for Housing, Communities and Local Government, Hart District Council and Historic England</i> [2019] EWHC 3437 (Admin)
57	<i>Cherkley Campaign Limited v Mole Valley District Council and Longshot Cherkley Court Limited</i> [2014] EWCA Civ 567
58	<i>Starbones Limited v Secretary of State for Housing, Communities and Local Government, London Borough of Hounslow and Trustees of the Royal Botanic Gardens, Kew</i> [2020] EWHC 526 (Admin)
59	Sunlight note by Mr Fletcher and Mr Dias on behalf of the Appellant and the Council
60	Further information from the Appellant on the site visit, height of the hall and core documents
61	Extract from the DAS on the height of the hall
62	Section 106 Agreement (3 December 2024)
63	Certification by the Council's legal representative that the submitted Section 106 Agreement is the original completed agreement between the Council and the landowner
64	Sunlight Note by Mr C Ticleanu on behalf of the Rule 6 Party

DOCUMENTS SUBMITTED AFTER THE CLOSE OF THE INQUIRY

65	Applicant's response to the National Planning Policy Framework (12 December 2024)
66	Applicant's response to the Housing Delivery Test results (12 December

	2024)
67	Council's response to the National Planning Policy Framework and the Housing Delivery Test results (12 December 2024)
68	Rule 6 Party's response to the National Planning Policy Framework and the Housing Delivery Test results (12 December 2024)