

Appeal Decisions

Inquiry opened on 10 January 2017

Site visit made on 17 January 2017

by **C J Ball** DArch DCons RIBA IHBC

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

Decision date: 13 March 2017

London Russian Ballet School, 42 Clapham Manor Street, London SW4 6DZ

Appeal A: APP/N5660/W/16/3151091

- 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 The London Russian Ballet School and Kids Love Lambeth against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 15/02266/FUL, dated 13 April 2015, was refused by notice dated 27 November 2015.
 - The development proposed is described as demolition of existing garage, kitchen and store; internal alterations; erection of new rear extension; and excavation of new basement area beneath building; all to provide enhanced ballet teaching facilities.
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Appeal B: APP/N5660/Y/16/3151092

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by The London Russian Ballet School and Kids Love Lambeth against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 15/02267/LB, dated 13 April 2015, was refused by notice dated 27 November 2015.
 - The works proposed are described as demolition of existing garage, kitchen and store; internal alterations; erection of new rear extension; and excavation of new basement area beneath building; all to provide enhanced ballet teaching facilities.
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Decisions

1. The appeals are allowed.

Appeal A: Planning permission is granted for demolition of existing garage, kitchen and store, alterations to rear façade of main building and the erection of a rear single storey extension, excavation of basement area and associated internal alterations in connection with the existing ballet school use (Use Class D1) at London Russian Ballet School, 42 Clapham Manor Street, London SW4 6DZ in accordance with the terms of the application, Ref 15/02266/FUL, dated 13 April 2015, subject to the conditions set out in Annex A.

Appeal B: Listed building consent is granted for demolition of existing garage, kitchen and store, alterations to rear façade of main building and the erection of a rear single storey extension, excavation of basement area and associated internal alterations in connection with the existing ballet school use (Use Class D1) at London Russian Ballet School, 42 Clapham Manor Street, London SW4 6DZ in accordance with the terms of the application Ref 15/02267/LB, dated 13 April 2015, subject to the conditions set out in Annex B.

Preliminary matters

2. The inquiry sat for 6 days on 10-13 and 17-18 January 2017 and I made an accompanied visit to the site on 17 January.
3. In the refusal notices the Council amended the description of the proposal in both cases, referring to demolition of existing garage, kitchen and store, removal of rear façade of main building and the erection of a rear single storey extension, excavation of basement area and associated internal alterations in connection with the existing ballet school use (Use Class D1). While this was adopted by the appellants in making the appeal, they point out that the amended description is inaccurate since the rear wall would be altered, not demolished. I have adopted this further amendment as a more accurate description of the proposed works for the purposes of the inquiry.
4. At their request Daniel Dovar and Renzo Marchini, owners of property adjoining the site on either side, were granted joint Rule 6 status for the inquiry.
5. I held a pre-inquiry meeting (PIM) on 17 November 2016 and a PIM Note was circulated to all parties. Just before the PIM, following the submission of further information by the appellants, the Council withdrew the 4th reason for refusal. This concerned the management of the impact of construction on neighbours and the local highway network. Subject to discussion of an appropriate condition this matter was taken no further at the inquiry.
6. Just before the inquiry the appellants identified a small inaccuracy in one of their application plans, 0910/0110 Rev H, relating to the position of an internal door opening. I agreed that an amended drawing to correct this (0910/0110 Rev I) could be accepted without prejudicing the interests of other parties.
7. The two reasons for refusal of the application for listed building consent correspond with the reasons for refusal of the planning application in relation to the listed building so I shall consider the appeals together.

Costs application

8. At the inquiry an application for costs was made by the London Russian Ballet School and Kids Love Lambeth against the Council of the London Borough of Lambeth. This application is the subject of a separate Decision.

Agreed matters

9. Before the inquiry the main parties submitted a statement of common ground. This describes the site and its surroundings, outlines the proposal, gives the planning history of the site and sets out the relevant policy background. The statement summarises the matters agreed between the parties relating to land use, amenity, transport, heritage and environmental impact and includes suggested conditions. It also helpfully confirms the matters in dispute.

Main issues

10. I consider the main issues in these appeals to be:
 1. The effect of the proposed development on the character and significance of No.42 Clapham Manor Street as a building of special architectural and historic interest;

2. The impact of the proposal on the character and appearance of the Rectory Grove Conservation Area; and
3. The effect the development would have on the living conditions of neighbours, with particular regard to loss of outlook and sense of enclosure.

Planning policy background

11. The local development plan includes the London Plan 2015 (LP) and the Lambeth Local Plan 2015 (LLP). The parties agree that the proposal meets the objectives of LP and LLP policies intended to protect and enhance social infrastructure; support leisure, arts and cultural uses; and safeguard and improve existing community premises. The reasons for refusal of the proposals cited LLP policies Q2 – Amenity; Q5 – Local distinctiveness; Q11 – Building alterations and extensions; Q20 – Listed buildings; and Q22 – Conservation Areas. At the inquiry the Council also relied on LLP policy Q14 – development in gardens and backland sites, and the Lambeth Building Alterations and Extensions SPD.
12. Other material considerations include the government’s policy objectives as set out in the National Planning Policy Framework and Planning Practice Guidance; the updated list description of No.42 Manor Street; and the Rectory Grove Conservation Area Statement, Lambeth 2009 (RGCAS).

Reasons

13. The London Russian Ballet School (LRBS) operates as a charity, teaching ballet to keen amateurs whose fees cross-fund subsidies to young students in a growing vocational school. LRBS, through Kids Love Lambeth, also runs an extensive outreach programme in local schools, highlighting the benefits of ballet as recreation or indeed a career. This non-elitist approach, deliberately targeting under-privileged children, has had some remarkable successes, with children from disadvantaged backgrounds moving on to artistic careers. LRBS has a good working relationship with the Bolshoi Ballet, who support this proposal, and aims to teach ballet at the highest level. To do this they seek more space and improved facilities, to be provided within the extended building.
14. No.42 Clapham Manor Street, housing the LRBS, lies on the western side of the street in a row of residential properties. No.42 was built in the 19th century as a public dispensary and has itself never had a residential use. Consisting of 2 pitched-roof ranges, the building is substantially larger than the surrounding houses. Following closure of the dispensary the building came into use as government offices (with a large rear extension) and subsequently as an occupational training centre. It has since been much altered. The rear extension was demolished and the site was curtailed to allow new development to the east. After falling into disuse, the interior of the building was destroyed by a major fire in 1989. Substantial internal and external alterations followed a grant of permission in 1991 for use as a Green Badge Taxi School. Further internal alterations were made after 2005 to accommodate the current ballet school use.
15. In order to provide the high standard of space and facilities sought, the proposal would involve the demolition of 2 small rear outshoots and a garage (currently used as a classroom) in the rear yard. Modern internal partitions would be removed throughout to allow the creation of a new reception area with first floor offices and classroom in the front range. A new first floor studio would occupy the first floor of the rear range. The ground floor of the rear range would be

dropped and a basement constructed over the whole of the site, providing changing rooms under the front range, a large subterranean studio with raked seating, and storage space/plant to the rear. A single storey extension would be built at ground level on to the rear range, housing a studio with a glazed link to offices at the rear of the site. The front façade of the building would remain unaltered.

The effect of the proposed development on the character and significance of No.42 Clapham Manor Street as a building of special architectural and historic interest

16. The former Clapham General and Provident Dispensary at No.42 Clapham Manor Street was built in 1854 by James Thomas Knowles Snr, a noted 19th century architect. Provident dispensaries were philanthropic foundations, erected to provide elementary health provision for the local population, and were a significant presence in British medicine until the advent of the National Health Insurance Act in 1911. The Clapham dispensary is now one of the earliest provident dispensaries to survive in London. As Historic England (HE) confirms, architecture and external elaboration are important considerations when assessing their significance.
17. Following concerns raised by The Clapham Society that the list description did not adequately reflect the historic importance of the building nor describe its important plan form, HE reassessed it and issued a revised list description in September 2016.
18. HE's amended description, taken with the accompanying Advice Report, makes it clear that, against the background of 19th century dispensary building, the plan has no specific importance. In any event the interior plan form of the building was largely lost following the fire, and indeed in subsequent alterations. Nonetheless HE considers that, despite the loss of the interior plan and most of the fittings, the imposing façade is particularly striking and reflects its original purpose.
19. The description notes that the (much plainer) rear elevation was altered following the fire. Originally a single storey range, the elevation was remodelled to allow the insertion of an upper floor. The parapet was raised, arched openings were extended to provide arched windows at first floor and square headed windows were introduced on the ground floor.
20. HE considers that, while there has been loss to the interior, the building continues to possess architectural distinction as a work by Knowles Snr in his preferred Italianate style; and special historic interest as a good and relatively early example of a building of the provident dispensary movement.
21. The amended list description reflects the enhanced understanding of the dispensary movement, reflects the changes to the interior and identifies areas of the building that are not of special interest. These include all partitions, suspended ceilings, staircase, studio fittings and the first floor inserted into the rear range. The practical effect of this declaration is that, since they do not contribute to the special interest of the listed building, all these elements could be removed without the need for listed building consent.
22. It is clear from this that the significance of the building lies primarily in its historic interest, its presence within the residential area, its imposing Italianate street

frontage and the overall external form of the building, including the relationship between the front and rear ranges. The remodelled rear elevation, although carefully executed, now bears little resemblance to the original design and has limited heritage interest. Similarly, while the overall internal extent of the 2 ranges remains fairly legible, the loss of the essential plan form and interior fittings means that the interior of the building has little heritage value and limited significance.

23. Clapham Manor Street and its terraces of contemporary 19th century dwellings provides an attractive setting for the more elaborate, larger scale dispensary building. It was clearly intended to make a statement in the street and the ability to appreciate the dispensary within this residential context makes a positive contribution to the significance of the building. By contrast, views of the rear of the building are from within modern development, screened by high walls. While much of the rear wall is not readily visible, it is possible to appreciate the overall size and extent of the building and the relationship between the main roof of the front range and the lower, subsidiary roof of the rear range. To that extent the setting of the building when seen from the rear makes a limited contribution to its significance.
24. Importantly, it is agreed by all parties that the ornate frontage of the building, the relationship of the building to the terraces on either side and its setting within Clapham Manor Street would all be unaffected by the proposals and so would be preserved. The Council's assertions in respect of the impact on the special interest of the listed building, as evidenced by the reasons for refusal, are twofold: the scale, design and intrusive nature of the construction of the basement and the insubordinate nature of the rear extension by virtue of its height, bulk, mass, design and relationship to the existing building.
25. At the inquiry, the Council conceded that the scale of the basement was not harmful and that the proposal complied with the basement provisions of LLP policy Q11. Its objections, made without benefit of site inspection, resolved into concerns about the loss of the historic floor plan, historic floor levels and historic fabric. As HE makes very clear, and as site inspection shows, the original plan form has already been lost. While modern partitions may approximate to the ground floor central corridor layout, as the listing confirms these are of no heritage value and could be removed without consent. In fact the proposal would restore some aspects of the original plan form by re-opening the side accesses between the ranges and restoring the rear range to essentially a single room.
26. The floor level of the front range would remain unaltered. In the rear range, most of the floor level would be dropped as part of the larger basement studio, with the rear wall supported above. A side corridor would remain. While the fabric of the floor is unlikely to be original, the loss of the level access between the front and rear ranges would alter their relationship. Against that, the insertion of a first floor and subdivision by partitions has already significantly altered the original character of the rear range. This proposal, albeit on a different level, would restore a sense of the rear range's original height and open volume. I consider that, on balance, the change in floor level would not have a harmful impact on the character and significance of the building.
27. As regards the loss of historic fabric, the Council's case comes down to the loss of the low recessed brickwork infill panels below 2 ground floor windows in the rear elevation. As the site inspection showed, these brick infill panels were most

- likely constructed in the 1990s when the windows were inserted. Original bricks may have been used but they have clearly been laid in modern mortar and both panels incorporate 2 modern airbricks. While care was obviously taken to match the remaining walls, this is self-evidently not historic fabric and no harm to the special interest of the listed building would result from its loss.
28. I therefore consider that the construction of the basement would not conflict with LLP policies Q11 and that, in terms of policy Q20, it would result in no real harm to the special interest and significance of the listed building.
29. The single storey rear extension would be fairly large, essentially the full width of the building and covering approximately 80% of the rear yard. It would enclose the lower half of the rear wall and almost double the ground floor footprint of the existing building. I note that the design approach to adding the additional accommodation, refined over many iterations, is to locate most of it within a hidden basement, with the single storey above-ground accommodation stepping down in height from the existing building. Seen from the rear, this would result in a clear hierarchy of volumes, with the 10.2 metres high front range remaining dominant. The 8.4 metres high rear range is clearly subordinate to the front range and the 4.9 metres high new ground floor studio and the 3.2 metres high office accommodation at the rear of the site would be very much subordinate to that.
30. At the boundary with No.44 the extension would sit behind, and would be no higher than, the existing flank wall. At the boundary with No.40, the mass of the studio would be set back by about 1.6 metres, forming a lower glazed-roof corridor adjacent to the boundary. Part of the boundary wall would be raised in height to screen this but it would be no higher than the eaves level of the adjacent artist's studio at the rear of No.40's garden. The overall roof height of the set-back extension would be little more than the ridge height of that building.
31. The deliberately restrained design of the extension does not mimic in any way the existing building but would be a quite distinct and clearly modern addition. I consider this to be entirely appropriate. Within the flank walls the extension would be clearly separated from the listed building by a full width sloping glazed roof. While this would reflect the form of the roof junction between the existing front and rear ranges, the low, stepped, flat-roofed forms of the extension, clad in high quality materials, would ensure that there would be no ambiguity between old and new, so that the integrity and heritage value of the original historic building would not be compromised.
32. The rear wall of the existing building would remain more or less unaltered. The new glazed roof would be fitted just below the sill level of the first floor windows, meaning that part of the external wall would be indoors and part outdoors. Nonetheless, the full height of the wall would be able to be appreciated from within the building. Since the rear wall is of limited significance, and thus less sensitive to change, I consider that the installation of the glazed roof would have a negligible impact on its heritage value.
33. In views from Cubitt Terrace at the rear, the extent of the new studio extension would be readily apparent above the boundary walls. The subordinate nature of the rear extension, in both height and form, would be clear. The stepped extension would occupy most of the rear yard but, crucially, important views of the upper part of the existing rear wall and the roofs of the front and rear ranges above would remain. While the extension would to an extent change some views

of the building when seen from the rear, retention of these key views, and the ability to appreciate the overall size and extent of the building and the relationship between its roofs, would ensure that the currently limited contribution to the significance of the listed building made by its setting at the rear would not be diminished.

34. Although brick is the prevailing local material, the smooth finish of the concrete panels would reflect something of the contrasting but subservient stucco detailing evident on most houses so that the elevational design and materials used in the extension ensure that it would generally harmonise with its surroundings. The form and materials would give clarity to the distinctive subordinate relationship between the modern extension and the more dominant historic building.
35. While the design of the proposed extension does not replicate local traditions, it is inspired by its local context and the Council accepts that it would deliver design excellence. In that respect, there is no conflict with LLP policy Q5. The design responds positively to the existing historic building, respecting and retaining its key features. The extension would be single storey and clearly subordinate to the host building so it would be in general conformity with LLP policy Q11 and the overall objectives of the Council's Building Alterations and Extensions SPD.
36. The historic interest of the building, as described in the listing, would remain and the presence of the building in the street, and its imposing Italianate frontage, would be unaffected. There would be no harmful impact on its setting when seen from Cubitt Terrace. The overall external form of the historic building and the relationship between front and rear ranges would still be able to be appreciated from both front and rear.
37. The carefully designed, subordinate extension would complement the historic dispensary building, effectively retaining its integrity and heritage value and ensuring its long term viability and survival. The internal alterations would not affect the heritage value of the building. I conclude from this that the proposal would have no harmful impact on the character and significance of No.42 Clapham Manor Street as a building of special architectural and historic interest.

The impact of the proposal on the character and appearance of the Rectory Grove Conservation Area

38. The Rectory Grove Conservation Area (RGCA) Statement identifies the features which give the RGCA its special character and appearance. The Statement notes the linear nature of the conservation area and the linear urban form of its streets. The buildings on Clapham Manor Street date from the 19th century; the street is straight and formal, somewhat urban in character, with a degree of architectural unity and an established building line. There are a few other large, non-residential buildings in the conservation area which occupy most of their site. Most of the identified key views into, within and from the conservation area are street based.
39. The Statement lists the buildings which make a positive contribution to the conservation area by reference to their street frontages, confirming that No.42 makes a positive contribution and describing its 'palazzo' façade (which also illustrates the cover of the Statement). By contrast, the post-war housing behind the site, 1-20 Knowles Walk, makes a neutral contribution, while Clapham Manor Court, at the northern end of Knowles Walk, makes a negative contribution.

40. The Statement goes on to note that most of the houses in the RGCA have front and rear gardens, providing an important setting. This spaciousness, with trees, shrubs and hedges, contributes greatly to the character of the conservation area. Rear gardens, considered collectively, present an important and substantial area of soft landscaping within the conservation area. The majority of extensions that have taken place are at the rear of properties, where their impact on the wider area is minimal.
41. The Statement provides guidance reflecting this assessment. New extensions are directed to the rear of properties to preserve the integrity of the host building and the street scene. They should respect the form and design of the host building and contemporary design solutions will be required to respect the rhythms and essence of the conservation area. Extensions should not dominate or compete with the host building in visual terms and large areas of flat roof should be avoided. It is clear from the Statement's assessment of the main characteristics of the RGCA that, while rear gardens and soft landscaping contribute greatly to the spacious character and appearance of the conservation area, its principal significance as a heritage asset lies in the arrangement of streets and the building frontages forming the street scene.
42. In this context No.42 is unusual. The larger scale and more ornate 'palazzo' frontage of No.42 stands out in the street of more uniform terraced houses. Its wide forecourt is paved and its rear service yard, enclosed by high walls, is hard surfaced. I do not consider that this yard should be regarded as a garden, in terms of LLP policy Q14, and nor does it fall within the definition of a backland site. The rear yard contains no trees or shrubs and, unlike the groups of gardens on either side, contributes very little to the landscape or the open spaciousness of the area. Views across rear gardens from either direction are interrupted by the high boundary walls enclosing the yard, although there are longer skyline views across the yard of the rear of the terraces beyond.
43. The new extension would be added to the rear of the building. The street frontage of the existing building would remain unaltered and the distinctive contribution it makes to the quality of the street scene would be unaffected.
44. The design of the rear extension is contemporary, respectful of the form and design of the existing building and the unique character of the site. It has been carefully designed to preserve the integrity of the listed building and is clearly subordinate to it. Much of the single storey extension would lie between the high flank walls, retained in accordance with LLP policy Q15. This would be screened from view, but where the extension projects above the walls, it would be little higher than typically acceptable garden buildings, such as the adjacent artist's studio.
45. The simple arrangement of smooth-faced concrete panels and fins, in harmony with local traditional materials, would have a low-key visual impact. While the upper part of the extension would be visible, it would not be prominent in the street scene at the rear. Development of this non-residential site to the rear would reflect a distinct characteristic of the conservation area. The extension would have a flat roof, to ensure its height is as low as possible, but this would be planted as a green roof, contributing something to the soft landscaping of the area. The extended building would not undermine the important contribution made by rear gardens and soft landscape on either side to the spacious character of the conservation area. It would however intrude into longer views of the rear

of the terrace and to that limited extent would diminish the spaciousness of the conservation area.

46. Overall I consider that the proposal would clearly sustain the significance of the street scene, respecting its distinctive nature, and that the rear extension would make a positive contribution to local character and historic context, in accordance with LLP policy Q5. The proposal to extend the building would closely follow the guidance in the RGCA Statement and the requirements of LLP policy Q11, but it would result in some loss of spaciousness in the conservation area. I therefore find that, in conflict with LLP policy Q22, the proposal would not fully preserve the character and appearance of the Rectory Grove Conservation Area.

The effect the development would have on the living conditions of neighbours

47. The neighbouring properties concerned are Nos.1-4 Knowles Walk, 2-storey flats to the rear of the site, and No.40 Clapham Manor Street, a house and garden adjoining its northern boundary. Assessments made by the appellants and checked by the Council confirm that all these properties would continue to receive adequate levels of sunlight and daylight, with limited overshadowing. While there would be some loss in a few places, any reduced levels would remain comfortably within the guidelines set out in the BRE Report *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice 2011*. The objection in both cases relates primarily to a loss of outlook resulting in a sense of enclosure.
48. The flats at Nos.1-4 Knowles Walk lie about 4 metres from the rear boundary of No.42, here formed of a nearly 3 metre high side wall to the garage/classroom, directly in front of ground floor flat 2, dropping to an approximately 2 metre high wall to the yard, in front of and splayed towards ground floor flat 1. The pitched roof of the classroom building rises to about 4.5 metres, obscuring views from the first floor flats 3 and 4. I visited flat 1 and saw that the ground floor flats in particular already have a limited outlook from principal living rooms.
49. The proposals would involve raising the height of the boundary wall to about 3.8 metres, accommodating a flat-roofed office building beyond. This building would extend further across flat 1 than the current classroom. Replacement of the existing pitched roof would improve the outlook from the first floor flats and would retain acceptable levels of sunlight and daylight at ground floor. However, construction of the office building would result in a nearly 4 metre high boundary wall, some 4 metres away from flat 2 and much of flat 1. I consider that this would result in a major reduction in the quality of the outlook from the principal windows, with a particularly significant change for flat 1. This would lead to an undue sense of enclosure for the occupiers of flats 1 and 2, in conflict with the standards of amenity set out in LLP policy Q2.
50. At the inquiry the appellants put forward an amendment to the scheme to address that conflict. This would retain the existing height of the boundary wall, with a short pitched roof to office flat roof level. While the office building would still intrude further across flat 1, the wall would be at a lower level than initially proposed and beyond the existing splayed wall. The Council accepted that this would overcome their concerns. I consider that this amendment to the scheme, which can be secured by condition, would have a minor impact on the clarity of the design but is a necessary compromise to protect the amenity of neighbours.

51. No.40 Clapham Manor Street adjoins the front range of No.42. Its rear garden is enclosed, on its southern side, by the tall gable wall of the rear range, the rear wall of the adjacent northern outshoot and a roughly 2 metre high garden boundary wall. A single storey kitchen/diner extension has been added to the rear of the house and, at the end of the garden, a monopitch-roofed artist's studio adjoins the garden wall.
52. All the boundary walls would be retained. The lower garden wall would be built up to about artist's studio eaves level to enclose a single storey glazed roof corridor connecting the front range of No.42 to the rear dance studio and office building. There was previously a garden trellis in this position which, when planted, would have provided a degree of enclosure. The higher dance studio, some 1.6 metres back from the boundary, would have a flat roof a little higher than the ridge of the artist's studio building.
53. The increase in height of the garden wall and the profile of the higher dance studio beyond would be clearly visible from the main living rooms at No.40, particularly in oblique views from the kitchen/diner, and parts of the garden would undoubtedly feel a little more enclosed. However, the garden wall and dance studio would be similar in height to a normally acceptable range of extensions or ancillary buildings which could be built in most rear gardens. The artist's studio at No.40 is a case in point, and the impact would be very little more than that. The garden wall would be built up in matching brickwork and the design quality of the dance studio extension would be high. For these reasons I consider that, as required by LLP policy Q2, the visual amenity of the occupiers of No.40 would not be unacceptably compromised by the proposed extension of No.42 and nor would it result in an undue sense of enclosure.

Other matters

54. Some local residents consider that, since the building is in a predominantly residential area, this is not an appropriate location for a large ballet school, particularly one aspiring to world class status. In fact the government promotes mixed use development and encourages multiple benefits from the use of land in urban areas. The use of the building as the LRBS is well established. The proposal to improve existing social, recreational and cultural facilities to deliver increases in health, social and cultural wellbeing for the local community meets key national policy objectives and accords with LP policy 4.6 and LLP policies DE11, S1 and S2. The scheme has been carefully designed to minimise the impact on its residential surroundings and further controls on hours of use, levels of usage, noise insulation and light pollution can be ensured by condition. With these safeguards in place, as the Council recognises, an objection based on the use of the building cannot be justified.
55. Many local residents are concerned about the potential impact of the construction of the extension on their living conditions and highway safety, in particular the excavation of the basement and the carting away of large amounts of spoil. This matter was also of concern to the Council and was originally the basis for a reason for refusal. Following the submission of a draft Construction Management Plan, which showed the potential for an acceptable method of construction, the Council considered that this matter could be dealt with by condition and withdrew that reason for refusal. I can impose a condition to this effect which would safeguard residential amenity and protect highway users, overcoming these concerns.

56. Other local residents are concerned about an increase in demand for street parking on Clapham Manor Street. I heard of occasional conflict with parents setting down or waiting to pick up a child from the school. While this may cause annoyance and some inconvenience, I saw that there is extensive street parking available and I do not consider that these events are likely to be of such a scale that this consideration would justify a sustainable objection. The school is currently restricted to operating with a maximum of 67 pupils at any one time. The Council has agreed to increase this to 70, a fairly insignificant difference, so that, while there may be more classes during the course of the day, the intensity of use would not increase. The appellants' Transport Study, accepted by the Council, assessed the worst case scenario of 70 pupils arriving and 70 leaving at the same time and found that this would not cause congestion, would not generate a significant number of car trips and would not put undue pressure on parking in the local area. I see no reason to disagree with this.

Conclusions

57. As the Guidance explains, conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in everyday use. Generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time.
58. I have found that the changes proposed to be made to 42 Clapham Manor Street would be entirely sympathetic to its distinctive character and that there would be no harmful impact to its setting. Its significance as a heritage asset would be unaffected. The only real objection to this proposal is the slight loss of spaciousness of the conservation area in which it lies. I consider that this amounts to less than substantial harm to the significance of the Rectory Grove Conservation Area as a heritage asset. As Framework 134 makes clear, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. 'Less than substantial' does not necessarily mean insignificant and any harm, as a matter of law, must be given considerable importance and weight in the overall balance.
59. At the inquiry there was considerable discussion on what is meant by the term public benefits. As the Guidance makes clear, public benefits could be anything that delivers economic, social or environmental progress as described in Framework 7. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits. Public benefits may include heritage benefits, such as securing the optimum viable use of a heritage asset in support of its long term conservation. Although originally arguing that the public benefits of the proposal were minimal, the Council conceded that it would provide economic, social and environmental benefits.
60. The proposal for the improvement and enlargement of an existing recreational and cultural facility, delivering increases in health, social and cultural wellbeing for the local community, is supported by national, London-wide and local planning policy. Taken overall, this is a clear benefit to the public at large.

61. More particularly, additional and larger studios and better facilities would enable ballet to be taught to a higher standard, furthering LRBS's working relationship with the Bolshoi Ballet. Lambeth would have a world class ballet school. There would be substantially more recreational and vocational classes for local adults and children, providing the opportunity for a greater number of subsidised places, much to the benefit of the more disadvantaged children of the area. The proposal would enable LRBS to significantly increase its outreach work in local schools and set up more after-school clubs, bringing ballet to a greater number and wider range of local children. While there would be private benefit to individual students, the scale and nature of the proposal is such that, by making high quality ballet teaching available to a much wider cross-section of the local population, it would provide very significant community-wide public benefits.
62. No.42 is currently in use as the LRBS and, particularly since it is restricted to this single use, all parties agree that this is the optimum use of the building. There is however some concern about long term viability. The ability to cross-subsidise under-privileged children and its work in local schools, core purposes of the charity, depends on attracting in sufficient numbers the amateur students who fund the subsidy. Operational constraints and the current lack of space are somewhat prejudicial to the quality of teaching, putting in doubt the continuing ability to attract sufficient amateur students. The proposed alterations and extension to the building would enable LRBS to provide the highest standard of teaching, overcoming these doubts and thereby securing the optimum viable use of the building and supporting its long term conservation.
63. Other public benefits would include the delivery of a scheme agreed to be of design excellence which would make a positive contribution to local character and historic context. The proposal would provide additional permanent jobs in LRBS and a significant number of temporary jobs during a 2 year construction period. The scheme would improve biodiversity through the inclusion of a green roof where currently there is a paved yard. The energy efficiency of the existing building would be improved, helping to address the impacts of climate change. The scheme would also result in a reduction and slowing of surface water run-off from the site, reducing the risk of down-line flooding.
64. Altogether these amount to considerable economic, social and environmental benefits in the public interest. On balance, after giving the appropriate weight to the identified harm to the conservation area, I consider that these public benefits would far outweigh that harm. I find clear and convincing justification for the slight harm that would be caused to the significance of the Rectory Grove Conservation Area as a designated heritage asset.
65. Accordingly I consider that the proposals are acceptable, subject to appropriate conditions.

Conditions

66. The suggested conditions (with one exception) were essentially agreed by the parties. Some necessary alterations were discussed at the inquiry and helpful amendments were suggested by the R6 party.
67. For the planning permission, compliance with the approved plans is necessary to ensure that the development is carried out as approved; restriction of the use to a ballet school is intended to protect the amenities of neighbours where the site would not be suitable for an alternative use within Class D1; restricting ballet

- classes to the designated studios and limiting hours of use is necessary to preserve the amenities of neighbours; for the same reason, noise levels from the mechanical plant and the ballet activities need to be controlled, and an effective sound insulation scheme submitted.
68. Compliance with the submitted energy strategy is necessary to ensure that the development makes the fullest contribution to carbon reduction; approval of proposed external materials, detailed drawings, green roof specification and the photovoltaic panel installation is required to ensure that the building is of the necessary quality in its historic context; the site lies in an area of archaeological priority so a scheme of investigation and recording is necessary to safeguard the heritage of the Borough.
69. Details of the cycle parking arrangements and the submission of an updated Travel Plan are necessary to properly promote sustainable forms of transport; controls over the number of people in each class and the number of people using the studios is necessary to limit the effect of the increase in travel movements. Concerns were expressed by local residents over light pollution so the submission of a scheme to ensure the control of light spillage is necessary to ensure that this does not affect the amenity of neighbours;
70. I have concluded that the minor amendment to the office roof is necessary to preserve the amenity of Nos. 1 and 3 Knowles Walk so it is necessary to add a condition requiring compliance with the revised drawings; it became clear at the inquiry that the extent of the basement excavation where retractable seating is proposed was not properly shown, so it is necessary for an updated basement impact assessment to be submitted to ensure that no hazards are caused by the basement excavation.
71. The Council suggested a condition requiring a Construction Management Plan (CMP). Although the appellants originally considered that such a condition should require compliance with the draft outline CMP already submitted, at the inquiry they accepted that the draft had not yet been approved and they would not be prejudiced by the inclusion of what is a fairly standard condition, intended to protect highway users and residential amenity.
72. For the listed building consent, compliance with approved plans, samples of materials, the submission of detailed drawings and control over additional vents, extracts and plant are all necessary to sustain the distinctive character of the listed building and its setting.
73. As well as the amendments discussed at the inquiry I have made some minor adjustments to the wording of the suggested conditions to accord more with the Inspectorate's published advice. I have also re-ordered the conditions in the interests of greater clarity.

Decision

74. Subject to these conditions, for the reasons given above I conclude that the appeals should be allowed.

Colin Ball

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Giles Atkinson of Counsel	Instructed by the Head of Legal Services, London Borough of Lambeth.
He called:	
Harry Wall BA MSc	Senior Conservation Officer, London Borough of Lambeth.
Greg Woodford BA LLB	Principal Planner, London Borough of Lambeth.

FOR THE APPELLANT:

Paul Brown, Queen's Counsel	Instructed by Boyer Planning.
He called:	
Harriett Pickering MA(Oxon)	Founding Director, London Russian Ballet School and Kids Love Lambeth.
Jake Edgley BA DipIAA RIBA	Founding Director, Edgley Design.
Elizabeth Vinson MSc BA(Hons) IHBC	Director, Heritage Collective UK Ltd.
Hayley Ellison MSc(Hons) MRTPI	Executive Director, Boyer Planning Ltd.

FOR THE RULE 6 PARTY:

Daniel Dovar
Renzo Marchini

INTERESTED PERSONS:

John Adams	Past Chair, The Clapham Society.
Philip Ashford	Convenor, The Clapham Society.
Alex Rolle	Local resident.
Wayne McIntosh	Local resident.
Cllr Linda Bray	Ward Councillor.
Alan Tidswell	Local resident.
Annette Marchini	Local resident.
Alison McNair	Local resident.
Cassidy Johnson	Local resident.
Alan Burbridge FRICS	On behalf of local residents.
Iselin Sokhi	Former student, London Russian Ballet School.
Cllr Nigel Haselden	Ward Councillor.

ADDITIONAL DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Updated list entry for 42 Clapham Manor Street.
- 2 Letter of support from the Bolshoi Theatre of Russia.
- 3 Current school timetable and illustrative Timetable Note.
- 4 Updated list of agreed and not agreed conditions.
- 5 Mr Atkinson's closing submissions.
- 6 Mr Dovar's closing submissions and references.
- 7 Mr Brown's closing submissions and reference.

Annex A

Schedule of conditions to be attached to the grant of planning permission for demolition of existing garage, kitchen and store, alterations to rear façade of main building and the erection of a rear single storey extension, excavation of basement area and associated internal alterations in connection with the existing ballet school use (Use Class D1) at London Russian Ballet School, 42 Clapham Manor Street, London SW4 6DZ in accordance with the terms of the application, Ref 15/02266/FUL, dated 13 April 2015:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

0910/0101 Rev C; 0910/0102 Rev E; 0910/0110 Rev I; 0910/0111 Rev H; 0910/0120 Rev I; 0910/0121 Rev K; 0910/0122 Rev L; 0910/0124 Rev B; 0910/0180 Rev D; 0910/0181 Rev D; 0910/0210 Rev E; 0910/0211 Rev A; 0910/0222 Rev I; 0910/0223 Rev H; 0910/0224 Rev C; 0910/0230 Rev E; 0910/0310 Rev E; 0910/0311 Rev F; 0910/0312 Rev G; 0910/0313 Rev G; 0910/0320 Rev G; 0910/0321 Rev H; 0910/0322 Rev D; 0910/0323 Rev H.
- 3) The extension hereby approved shall be used in connection with the existing ballet school use and for no other use including any other purpose in Use Class D1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 4) Ballet classes shall only take place within rooms identified as 'Studio' on the basement plan (Dwg no. 0910/0120 Rev I), on the ground floor plan (Dwg no. 0121 Rev K) and on the first floor plan (Dwg no. 0122 Rev L).
- 5) No ballet teaching lessons or classes shall be carried out on at the premises except between the hours of 0845-2130 Monday to Friday, 0900- 1800 on Saturdays and 1100-1700 on Sundays and Bank Holidays.
- 6) No development shall take place until a scheme for soundproofing the party walls, ceiling, floors and plant room of the extension hereby approved has been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before any part of the approved extension is put into use and shall be retained thereafter.
- 7) Noise from any mechanical equipment or building services plant shall not exceed the background noise level when measured outside the window of the nearest noise sensitive or residential premises, when measured as a L90 dB(A) 1 hour.
- 8) Noise from activities within the ballet school when measured externally at 1 metre from any noise sensitive window (LAeq,5min) shall not exceed the representative background noise level (LA90,5min) without the ballet school operating.
- 9) The development hereby approved shall be carried out in full accordance with the details set out in the approved Energy Strategy and BREEAM document (Synergy Consulting Engineers, Aug 2015).

- 10) Notwithstanding the approved drawings and prior to the commencement of above ground development a schedule and samples of the materials (which shall be inspected on site) to be used in the external elevations of the approved extension shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall be thereafter built in accordance with the approved details.
- 11) No above ground development shall take place until drawings at 1:10 scale for all external construction details for new build and both internal and external construction details of making-good to historic fabric have been submitted to and approved in writing to the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 12) (A) No demolition or development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

(B) No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under Part A of this condition.

C) The development shall not be occupied until the site investigation and post-investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part A of this condition and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 13) Prior to the commencement of use of the new extension hereby permitted, details of the provision to be made for the installation of 5 x Sheffield cycle stands shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be implemented in full in accordance with the approved details before the use hereby permitted commences and shall thereafter be retained solely for its designated use.
- 14) Prior to its installation, a detailed specification of the green roof shall be submitted to and approved in writing by the local planning authority. The specification shall include details of the quantity, size, species, position and the proposed time of planting of all elements of the green roof, together with details of their anticipated routine maintenance and protection. The green roof shall be installed and thereafter maintained in accordance with the approved details.

- 15) Prior to the commencement of the use of the extension an updated Travel Plan shall be submitted to the Local Planning Authority for approval in writing. The measures endorsed in the Travel Plan shall be implemented immediately following the approval of the plan and shall be so maintained for the duration of the use of the site.
- 16) The number of students attending ballet classes or lectures in the studios, combined with the number of people attending performances, including those performing and any audience, shall not at any one time exceed 70.
- 17) The number of students attending ballet classes in each Studio shown on the approved plans shall be limited to 40 students per class - basement level Studio; 15 students per class - ground floor Studio; and 15 students per class - first floor Studio
- 18) Prior to the commencement of above-ground works details of the photovoltaic panels and window cleaning apparatus shall be submitted to and approved in writing by the Local Planning Authority. The panels shall be installed and maintained strictly in accordance with the approved details.
- 19) Notwithstanding the approved drawings, prior to occupation of the building details of measures to prevent light spill from the proposed extension onto adjoining residential properties shall be submitted to and approved in writing by the local planning authority. The measures to prevent light spill shall be installed and thereafter maintained in accordance with the approved details.
- 20) Notwithstanding the approved drawings, the approved development shall be implemented in accordance with revised drawing reference: ED-0910-0125 and ED-0910-0225.
- 21) Prior to the commencement of development an updated Basement Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The updated Basement Impact Assessment shall modify drawing (reference S010 (Proposed Section AA)) to show the extent of excavation required to implement the proposed retractable seating and stairs in the basement. The basement shall be constructed in accordance with the approved updated Basement Impact Assessment.
- 22) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - i) The notification of neighbours with regard to specific works;
 - ii) Advance notification of any road closures;
 - iii) the parking of vehicles of site operatives and visitors;
 - iv) loading and unloading of plant and materials;
 - v) storage of plant and materials used in constructing the development;
 - vi) measures to prevent the deposit of mud and debris on the highway;
 - vii) measures to control the emission of dust and dirt during construction;
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - ix) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Annex B

Schedule of conditions to be attached to the grant of listed building consent for demolition of existing garage, kitchen and store, alterations to rear façade of main building and the erection of a rear single storey extension, excavation of basement area and associated internal alterations in connection with the existing ballet school use (Use Class D1) at London Russian Ballet School, 42 Clapham Manor Street, London SW4 6DZ in accordance with the terms of the application Ref 15/02267/LB, dated 13 April 2015:

- 23) The works authorised by this consent shall begin not later than 3 years from the date of this decision.
- 24) The works hereby permitted shall be carried out in accordance with the following approved plans:
0910/0101 Rev C; 0910/0102 Rev E; 0910/0110 Rev I; 0910/0111 Rev H; 0910/0120 Rev I; 0910/0121 Rev K; 0910/0122 Rev L; 0910/0124 Rev B; 0910/0180 Rev D; 0910/0181 Rev D; 0910/0210 Rev E; 0910/0211 Rev A; 0910/0222 Rev I; 0910/0223 Rev H; 0910/0224 Rev C; 0910/0230 Rev E; 0910/0310 Rev E; 0910/0311 Rev F; 0910/0312 Rev G; 0910/0313 Rev G; 0910/0320 Rev G; 0910/0321 Rev H; 0910/0322 Rev D; 0910/0323 Rev H.
- 25) Notwithstanding the approved drawings and prior to the commencement of above ground works a schedule and samples of the materials (which shall be inspected on site) to be used in the external elevations of the approved extension shall be submitted to and approved in writing by the local planning authority. The works hereby permitted shall be thereafter built in accordance with the approved details.
- 26) No above ground works shall take place until drawings at 1:10 scale for all external construction details for new build and both internal and external construction details of making-good to historic fabric have been submitted to and approved in writing to the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 27) No vents, extracts or plant other than those shown on the approved plans shall be affixed to or installed within the building.