The Planning Inspectorate

Appeal Decision

Site visit made on 11 October 2016

by C L Humphrey BA (Hons) DipTP MRTPI

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

Decision date: 24th October 2016

Appeal Ref: APP/N5660/W/16/3155043
5 Norfolk House, Rushcroft Road, London SW2 1JX

- 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 Mr John Finlayson against the decision of the Council of the London Borough of Lambeth.
- The application Ref 16/01968/FUL, dated 30 March 2016, was refused by notice dated 1 June 2016.
- The development proposed was described as "a small discreet roof terrace to the rear (south) of the building, to be accessed by a small new door opening from the existing kitchen, utilising an existing flat roofed area of approximately 3.5m x 3.5m."

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon:

   (a) The character and appearance of the appeal property and the surrounding area; and

   (b) The living conditions of occupants of neighbouring residential properties, with particular regard to outlook and privacy.

Reasons

Character and appearance

3. The appeal site is situated within the Brixton Conservation Area (the Conservation Area) at the western end of Rushcroft Road. The Conservation Area is characterised by predominantly 19th and early 20th Century commercial and public buildings which form Brixton town centre, with some areas of residential development often in the form of mansion blocks. The appeal property is located within a mansion block known as Norfolk House.

4. In common with the other mansion blocks along the south side of Rushcroft Road, Norfolk House is an imposing 4 storey building constructed in red brick with timber sash windows. The flank wall of the building adjoins Windrush Square to the west. As a result, the range of 4 and 2 storey rear projections are exposed and are prominent in views from this large public space.

5. The proposed development would create a roof terrace on the existing flat roof of a 2 storey rear projection. Policy Q11(o) of the Lambeth Local Plan (LP) states that roof terraces will normally be resisted on locally distinct building types where they are not characteristic of the host building/group. During my site visit I noted that there did not appear to be any existing roof terraces at the rear of Norfolk House or other mansion blocks in the immediate vicinity of the appeal site.

6. Although the appeal proposal would be fairly small scale, the proposed glass balustrade would be situated at a high level and seen against the simple brick backdrop of the rear elevation and would thus appear as a starkly alien addition. The proposed glazed door would replace a much smaller window, and its scale and form would be at odds with the modest timber windows which characterise the fenestration on the rear elevation of this part of the building.

7. Whilst the proposed development would not affect the main façade of the building, it would nevertheless be extremely prominent when viewed from Windrush Square and, by reason it's siting, form and materials, would result in the creation of a discordant and incongruous feature.

8. For the reasons given above, the appeal proposal would have a harmful effect upon the character and appearance of the appeal property and the surrounding area, and would fail to preserve or enhance the character or appearance of the Brixton Conservation Area. As such, the proposed development would not accord with the visual amenity, design and heritage conservation and enhancement aims of the National Planning Policy Framework (the Framework), LP Policies Q2, Q5, Q11 and Q22 and the Lambeth Supplementary Planning Document: Building Alterations and Extensions (SPD).

9. I conclude that the harm to the significance of the Conservation Area which I have identified above would be less than substantial. Paragraph 134 of the Framework states that, 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. I do not consider that the provision of external amenity space serving the appeal property would amount to a public benefit sufficient to outweigh the harm that would be caused to the heritage asset.

Living conditions

10. The amenity protection aims of LP Policy Q2 seek to ensure, amongst other things, that development provides acceptable standards of privacy without a diminution of the design quality and that adequate outlooks are provided avoiding wherever possible any undue sense of enclosure or unacceptable levels of overlooking (or perceived overlooking).

11. The existing built environment surrounding the appeal site has a dense urban grain, with buildings positioned in close proximity to each other. The proposed development would be sited at a high level very near to windows serving flats in other parts of the building, and above the private and communal gardens to the rear of the mansion block. The modest height of the proposed glass balustrade would not prevent those using the roof terrace from looking into neighbouring windows or gardens.

12. As a result of its siting, design and close relationship to neighbouring flats and outdoor amenity spaces, the appeal proposal would result in an obtrusive form of development which would give rise to an increased level of actual and perceived overlooking.

13. For the reasons set out above, the appeal proposal would have a harmful effect upon the living conditions of the occupants of neighbouring residential properties with particular regard to outlook and privacy. As such, the proposed development would not accord with the amenity protection aims of the Framework, LP Policy Q2 and the SPD.

Conclusion

14. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

C L Humphrey

INSPECTOR