
Appeal Decision

Site visit made on 15 November 2016

by F Rafiq BSc (Hons), MCD, MRTPI

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

Decision date: 25 November 2016

Appeal Ref: APP/N5660/D/16/3157613

53 Leppoc Road, London, SW4 9LS

- 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 Haydn Tilley against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/03013/FUL dated 18 May 2016 was refused by notice dated 12 August 2016.
 - The development is the proposed erection of a single storey rear and side extension at ground floor, single storey rear extension at first floor with a rear balcony.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed erection of a single storey rear and side extension at ground floor, single storey rear extension at first floor with a rear balcony at 53 Leppoc Road, London, SW4 9LS in accordance with the terms of the application Ref 16/03013/FUL dated 18 May 2016 subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No's – A00LB (Location Plan and Block Plan), A001 (Cellar, Ground & First Floor Plan Existing), A002 (Second Floor & Roof Plan Existing), A003 (Elevations as Existing), A004 (Section A-A Existing), B001-2P Rev C (Cellar, Ground & First Floor Plan Proposed), B002-2P (Second Floor & Roof Plan Proposed), B003-2P Rev C (Elevations as Proposed), B004-2P Rev C (Section A-A Proposed).
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall not be occupied until the privacy screens to the side elevations of the balcony hereby permitted have been constructed in accordance with details shown on the submitted drawing no: B003-2P Rev C. The privacy screens shall thereafter be retained.

Procedural Matter

2. I was able to see at the time of my visit that part of the development had already been undertaken and I have considered the appeal on this basis.
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Main Issues

3. The appeal application seeks permission for a ground floor side and rear extension, a first floor extension and a rear balcony. The Council have raised no objections to the ground and first floor extension (apart from the French doors) and the appellant makes reference to a previous permission for these elements (LPA Ref No: 16/01084/FUL), which was subsequently subject to a non-material amendment.
4. I therefore consider the main issues are the effect of the rear balcony and the French doors providing access to it (1) on the living conditions of the occupiers of neighbouring properties with regard to privacy and noise, and (2) on the character and appearance of the host property and the area.

Reasons

Living Conditions

5. The balcony would be located at first floor level to the rear of the first floor extension and would be accessed from a set of double doors that have been inserted in its rear elevation. The balcony would be a similar width to the first floor extension and would project from the building by around 2.5m.
6. I was able to access the balcony area at the time of my site visit and was able to see into the nearest first floor window of a neighbouring property (No. 55 Leppoc Road). However, a 1.7m high screen is proposed to both sides of the balcony and I consider, as does the Council, that these screens would prevent views into this neighbouring property's window and to the windows of the other adjacent property at No. 51. Given the distance to properties on Crescent Lane to the rear, including their gardens, and the presence of intervening vegetation, I am not persuaded that the proposal would materially affect the privacy of these occupiers.
7. I recognise that the balcony would project beyond the existing fenestration at first floor level, providing views of neighbouring rear gardens. Despite this, from my site observations, the existing rear-facing windows to the upper floors and the window that has been granted permission in around the same position as the French doors, already do, and would give rise to overlooking of neighbouring gardens. I do not therefore consider that the balcony or the French doors providing access to this space would allow for significant additional views, particularly given the screens which would limit sideways views, to the detriment of the living conditions of surrounding residents.
8. Although concerns have been raised that the use of the balcony would give rise to an increase in noise and disturbance, given the residential use of the property and the limited size of the terrace area, I do not consider that it would cause significant appreciable noise or disturbance.
9. I therefore conclude that the balcony along with the French doors would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties with regard to privacy or noise. It would not conflict with Policy Q2 of the Lambeth Local Plan (Local Plan), which states, amongst other matters, that development will be supported where it provides acceptable standards of privacy.

Character and Appearance

10. The appeal property appears as a three storey dwelling to the rear, which has been subject to ground and first floor extensions. The area contains similar dwellings, where to the rear, the generally uniform form of properties has been subject to alterations. I note that some properties which have been referenced as having balconies are flat roof areas of extensions or do not have any planning histories. I also note that in other cases, that no roof terraces were proposed as part of a planning application, the referenced balconies were approved under a different policy context, or they sit separated from the appeal site. Nevertheless, I was able to see some of these referenced roof terraces and balconies, and despite the circumstances of some of these differing from the appeal proposal, they are features that make up the character and appearance of the area.
11. I acknowledge that the privacy screens and railings would be visible from surrounding rear gardens, however, given their height and position in relation to the first floor extension against which they would be set, I do not consider they would appear incongruous. The French doors providing access to the balcony area are different to the original fenestration, which consisted of timber framed sash windows. However, and whilst the doors would be a new feature in the area, the position of this opening is broadly aligned vertically with the window at second floor level. The top of the French doors is also at a similar level as the window head on the adjoining property at No. 55 and the width of the door opening is also not greatly dissimilar to that of the original window openings. Whilst the Building Alterations & Extensions Supplementary Planning Document (SPD) does seek in the case of replacement windows to replicate the originals, I do not consider for the aforementioned reasons that the French doors appear as an unduly visually prominent feature at first floor level.
12. For the reasons set out above, I conclude that the proposal would not harm the character and appearance of the host building or the area. As such, there would be would not conflict with Policies Q2, Q5 and Q11 of the Local Plan or the aims of the SPD which require, amongst other matters, for development to respond to local distinctiveness.

Conclusion

13. For the reasons given above and having taken into account all other matters raised, including the planning history and advice provided at pre-application stage and other matters raised in relation to the boundary wall, I conclude the appeal should be allowed.

Conditions

14. The Council have suggested a number of conditions. As the development has already commenced, I do not consider it necessary to impose the standard time condition. A condition is however required to secure compliance with the approved plans and for a condition relating to materials, for the avoidance of doubt and to ensure the appearance of the building is acceptable and the character of the area. A condition is also required for the provision of privacy screens in the interests of the neighbours living conditions.

F Rafiq INSPECTOR