

# Appeal Decision

Site visit made on 9 November 2016

**by G Powys Jones MSc FRTPI**

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

**Decision date: 29 November 2016**

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**Appeal Ref: APP/N5660/D/16/3157345**

**5 Rymer Street, London, SE24 0NQ**

- 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 Mrs Georgina Ball against the decision of the Council of the London Borough of Lambeth.
  - The application Ref 16/03599/FUL, dated 15 June 2016, was refused by notice dated 10 August 2016.
  - The development proposed is a first floor glazed box extension including some demolition and internal remodelling.
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## Decision

1. The appeal is allowed and planning permission is granted for a first floor glazed box extension including some demolition and internal remodelling at 5 Rymer Street, London, SE24 0NQ in accordance with the terms of the application Ref 16/03599/FUL, dated 15 June 2016, subject to the conditions set out in the attached schedule.

## Preliminary matters

2. The appellant submitted two planning applications for a first floor rear extension. The scale and design of the two proposals are similar, but they differ in respect of the external materials proposed. Both applications were refused permission and two appeals have been made. This appeal is concerned with that proposing the use of modern external materials. The other appeal is subject of a separate decision (*Ref APP/N5660/D/16/3157335*).
3. At the Council's request arrangements had been made for me to assess the proposal from the neighbouring property, 7 Ryman Street, but its residents were not in when I visited. However, the appellant, in anticipation of her neighbours not being at home obtained their permission to take internal and external photographs. These were submitted as late evidence and were therefore forwarded to the Council, with an opportunity provided to comment upon them, if thought necessary.
4. Although the residents of No 7 were not at home when I visited I was able to obtain a clear impression of the relationship between the respective properties by climbing a contractor's ladder propped against the frame of a ground floor extension under construction at the appeal site.
5. The appellant's concerns with the Council's management and administration of the application are noted. However, I am concerned solely with determining the planning merits of the proposal.

## **Main issues**

6. The main issues are the effect of the proposed extension on (a) the character and appearance of the host property and its surroundings, and (b) on the living conditions of the residents of 7 Rymer Street with particular reference to daylight and enclosure.

## **Reasons**

### *Character & appearance*

7. The appeal dwelling is situated within a terrace of similar properties on the western frontage of Rymer Street (B223). The proposal involves the erection of a first floor rear extension above part of the footprint of the existing ground floor rear protrusion below. One of the extension's walls would stand alongside the wall of 7 Rymer Street's roof terrace. The extension's flat roof would be sited below the highest part of the adjacent window on the appeal property's first floor. A sash window is proposed in the rear elevation.
8. The Council cites provisions of policies Q5, Q8 & Q11 of the Lambeth Local Plan in support of its contention that the proposed extension would prove incongruous and insubordinate on account of its design. Moreover the Council considers that *'the use of modern and contemporary materials appears incongruous and is poorly considered at first floor level of the rear of this terrace that consists mostly of London stock brick'*.
9. The proposal is also said to be at odds with design advice contained in the Council's Supplementary Planning Document: Building Alterations and Extensions (SPD).
10. To my mind, however, the extension is of a modest scale, being wholly subordinate to the scale of the host property, which is three-storey. Flat roofed structures are not an uncharacteristic feature of rear protrusions in the locality, and this would not be the first extension built at first floor level.
11. In my experience, contemporary external materials are often adopted successfully as a design device in locations, including conservation areas, to provide a visual contrast between the old and the new. I have no reason to doubt that the use of *'black glass'* as an external skin would not prove successful in this location.
12. But even if I were mistaken, the appeal property's rear elevation is very well screened from wider views by extant properties on Dulwich Road to the south, by those on Hurst Street to the west and on Railton Road to the north. The extension would therefore have no noticeable impact on the public realm.
13. Whilst some local residents would see the extension from the rear of their properties, it would not in my view offend the eye, and no local residents consulted, nor the Herne Hill Society or the Rymer Street Action Group has claimed that it would. Indeed letters of support from two local residents have been produced.
14. I conclude that the proposed extension would not give rise to any harmful visual consequences in respect of the host property, and would sit acceptably in its spatial context without harming local character. Accordingly, there is no material conflict with those provisions of LP policy Q5, Q8 & Q11 and the 2015

SPD directed to the design acceptability of development proposals, including rear extensions.

### *Living conditions*

15. The Council considers the depth and height of the extension to be significant '*as these are narrow properties and an extension of this depth would unduly harm this neighbouring property by causing a sense of enclosure and loss of sunlight and daylight*'. Of sole concern to the Council is the alleged effect on the first floor rear elevation '*window*' in No 7 Rymer Street adjacent to the proposed extension.
16. But as I saw, and as the submitted photographs amply demonstrate, the '*window*' is not, in fact, a window. The '*window*' is a partly glazed door leading from a half-landing on No 7's staircase providing access to the roof terrace. Since the glazing does not serve a habitable room, but circulation space, I consider the Council's concerns to be exaggerated and misplaced.
17. I conclude that the proposal would not harm No 7 Rymer Street's residents' living conditions. Accordingly, there is no conflict with those provisions of LP policy Q2 designed to protect neighbouring residents from any harmful effects of development.

### **Conditions**

18. The Council suggests the imposition of a condition requiring the materials to be used on the external surfaces of the proposal to match those used in the existing building. However, this suggestion flies in the face of the appellant's intentions, which I have found acceptable. Accordingly this proposed condition is unjustified, and unnecessary.
19. Otherwise than as set out in this decision and conditions, it is necessary in the interests of certainty that the development shall be carried out in accordance with the approved plans.
20. All other matters raised in the representations have been taken into account, but none is of such strength or significance as to outweigh those considerations that led me to my conclusions.

*G Powys Jones*

INSPECTOR

### **Schedule of Conditions**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: the OS location plan and Drawing Nos. 101; 102; 201; 202B & 203.