
Appeal Decision

Site visit made on 28 November 2016

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 30 December 2016

Appeal Ref: APP/N5660/W/16/3155640

97 Barrow Road, Lambeth, London SW16 5PB

- 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 Smita Shah against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/00141/FUL, dated 11 January 2016, was refused by notice dated 9 March 2016.
 - The development proposed is a single storey side extension to ground floor flat and roof dormer extension to 1st floor flat.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension to ground floor flat and roof dormer extension to 1st floor flat at 97 barrow Road, Lambeth, London SW16 5PB in accordance with the terms of the application, Ref 16/00141/FUL, dated 11 January 2016, subject to the following conditions:
 - (i) the development hereby permitted shall begin not later than 3 years from the date of this decision;
 - (ii) the development hereby permitted shall be carried out in accordance with the following approved plans: Existing and Proposed Elevations, Drawing No 97BR-102-A; Proposed Floor & Roof Plans, Drawing No 97BR-101-A; and,
 - (iii) the two windows at second floor level hereby permitted shall be fitted with obscured glazing, and no part of the larger of the two windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once implemented, the obscured glazing and fixed element shall be retained thereafter.

Procedural matters

2. It was evident from my observations on site that the development had, in part, been constructed according to the plans that are the subject of this appeal. I have therefore based my decision on what I saw on site, together with the submitted plans and details.
 3. The development proposes a single storey side extension and a dormer roof extension. The Council raised no concerns for the single storey side extension and in light of the evidence before me, I find no reason to take a different view.
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The Council raised concerns for the dormer roof extension and its windows and it is on this basis that I have considered the appeal.

Main Issues

4. These are:

- (i) the effect of the proposal on the character and appearance of the host building and buildings nearby; and
- (ii) the effect of the proposal on the living conditions of the occupiers of No 93 and No 95 Barrow Road, with particular regard to loss of privacy.

Reasons

Character and appearance

- 5. The appeal site concerns a two storey semi-detached dwelling which fronts Barrow Road. The house, being a semi-detached property, shares some characteristics with its adjoining neighbour, and with an adjacent pair of semi-detached houses built in a similar period. Either side of the two pairs of semi-detached houses the buildings are materially different in form and scale which sets them apart from the semi-detached houses.
- 6. To the rear of the appeal property is a rear return which adjoins a similarly scaled rear return next door. The dormer roof extension proposed would extend the roof of the rear return. Policy Q11 and in particular Q11(a)(i) and Q11(k)(ii) of the Local Plan¹ supports dormers that respond positively to the roof form of the host building and that are subordinate; the guidance within the SPD² provides further details, recommending that dormers are appropriately sited and subordinate to the host building and set in from the sides. Whilst a noticeable extension of the roof to the rear return, the proposal would be set within its confines and would be subordinate to the roof of the main house and its rear elevation.
- 7. Policy Q11 also supports dormer windows that respond positively to the original architecture of the host building; the SPD elaborates suggesting that the window cill should rest on the roof slope. The proposal would be set within the parameters of the rear projection's roof and as a result would not detract unduly from the overall architectural form and appearance of the main dwelling. The windows would straddle the eaves of the existing building and the dormer extension. However, being on a secondary elevation to the main house and not unduly out of scale with the dormer extension or existing windows, I find that the windows would not detract from the architectural form of the main house to have a discernible effect on its character and appearance.
- 8. Although the rear elevations of the two pairs of semi-detached properties share some characteristics, they do not exhibit an architectural quality and are not in public view. Together with my findings for the form and scale of the development proposed, the dormer roof extension would not detract from the character and appearance of the buildings nearby to be considered contrary to policy Q5 of the Local Plan which seeks development that responds positively to existing built form.

¹ Lambeth Local Plan (2015)

² Building Alterations & Extensions, Supplementary Planning Document (SPD) (September 2015)

9. In all, therefore, I find that the development would not have a harmful effect on the character and appearance of the host building or buildings nearby and therefore would not be contrary to policy Q11 and Q5 of the Local Plan or the SPD.

Living conditions

10. Two windows are proposed within the roof extension that would directly overlook an outdoor garden area to no.93 and no.95 Barrow Road and an obscure glazed window at first floor level and, at an oblique angle, internal living spaces at the same level within these properties. The plans before me show that the larger of the two windows would be obscure glazed and fixed shut to 1.7m above first floor level. Although not shown on the plans, it was apparent from my observations on site that the smaller window to the bathroom proposed was obscure glazed and the appellant has agreed to both windows being installed in this way. The windows, obscure glazed and fixed shut as described, would mitigate any potential harm to the living conditions of the neighbouring occupiers as a result of overlooking. A condition to ensure that the windows were retained in this way is reasonable.
11. In all, therefore, with an appropriate condition in place, I find that the development would not be contrary to policy Q2 of the Local Plan which seeks to ensure that development does not harm the amenities of adjoining residents to an unacceptable degree.

Conditions

12. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance. As a result have amended some of them for clarity and eliminated others where conditions have been considered irrelevant or to avoid duplication.
13. In addition to the standard time limitation for commencement, I have imposed a condition specifying the relevant drawings as this provides certainty. I have not included a condition concerning matching materials; the materials proposed are shown on the drawings, secured by a condition relating to the drawings. In the interests of protecting the living conditions of the neighbouring occupiers, a condition to ensure that the windows within the roof extension are obscure glazed and that the larger of the two windows remains fixed shut to 1.7m above first floor level at all times is included.

Conclusion

14. For the reasons set out above, the proposed development would not be contrary to the development plan and therefore the appeal is allowed.

R Walmsley

Inspector