
Appeal Decision

Site visit made on 7 February 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 16 February 2017

Appeal Ref: APP/N5660/D/16/3162501
68 Wyatt Park Road, London SW2 3TP

- 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 Charles Robinson against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/04656/FUL, dated 3 August 2016, was refused by notice dated 28 September 2016.
 - The development proposed is a loft conversion.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area; and
 - the effect of the development on the living conditions of the occupiers of the neighbouring properties with particular reference to privacy.

Reasons

Character and appearance

3. The appeal relates to a two storey, semi-detached dwelling with a paired, two storey rear outrigger. Such paired outriggers are a distinctive feature of the tightly spaced semi-detached houses along this section of Wyatt Park Road and are clearly deferential in scale to the main part of houses.
 4. The proposal would essentially raise part of the floor plan of the first floor level up to a second floor level thereby creating an 'L' shaped, flat roof extension. Although falling slightly below the main ridgeline of the house, it would nonetheless run across the full width of the dwelling and would raise the height of the outrigger to a corresponding level for its full width and depth.
 5. In doing so, the proposed development would appear as an unsympathetic and bulky addition to the existing dwelling which would fail to achieve a subordinate relationship with the same. The three storey elevation arising would unduly dominate the existing rear elevation and overwhelm the original form of building.
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6. Creating a flat roof above the ridge height of the outrigger would also disrupt the symmetry of the pair and would substantially alter the essential shape of the roof as well as resulting in the loss of two existing chimneys. Whilst it is stated that thousands of this type of extension have been built across London, I was unable to observe any within this row of properties. Therefore, as the roof extension would be clearly seen from the rear of the properties along Downton Avenue and from the neighbouring properties, it would also be harmful to the rhythm and uniformity of the row of dwellings as a whole. Such harm would not be mitigated by the use of matching materials.
7. The rear facing elevations of the proposed roof extension would incorporate two full height window openings with Juliet balconies positioned close to the detailing above the existing first floor windows. Whilst aligning with the same, the style and proximity would not sit comfortably against the existing arrangement.
8. I therefore find that the scale, design and fenestration details would fail to respect the proportions and features of the existing dwelling and would significantly change its character and appearance and that of the row of semi-detached dwellings of which it is part.
9. Whilst reference is made to the use of permitted development rights as a fallback position, I have no details of such a scheme for the appeal dwelling so as to compare, or a Certificate of Proposed Lawful Development for the same. Therefore, I have no substantive evidence to indicate that there is a significant probability that any fallback position would be constructed should this appeal be dismissed. This therefore reduces the weight I can attach to this stated fallback position.
10. My attention has been drawn to what are described as similar extensions built or being built at Number 53 Wyatt Park Road and 34 Wavertree Road, following the granting of Certificates of Lawfulness. However, I have not been provided with the details of either so I cannot make a direct comparison.
11. The same is true of the appeal decision¹ provided by the appellant relating to No 2 Tulsemere Road. Whilst in that case there may have been a number of similarly designed extensions along that road, in this case I was unable to view any comparable to the appeal proposal within this section of Wyatt Park Road. In any case, I have considered the appeal proposal on its own merits.
12. Nevertheless, I have no objection to the roof lights proposed for the front elevation, which would be set flush with the roof slope. Whilst reference is made to closet returns and the Council's Building Alterations and Extensions Supplementary Planning Document (SPD), this appeal does not relate to such a feature.
13. I therefore conclude that the appeal proposal would be harmful to the character and appearance of the host dwelling and the surrounding area, contrary to Policies Q2, Q5, Q8 and Q11 of the Lambeth Local Plan (LP) and the above referenced SPD. These state, amongst other matters, that subordination will generally be a key consideration and that the Council will generally expect proposals to meet a number of criteria, including responding positively to the

¹ Appeal Ref: APP/N5660/W/16/3146065

original architecture, roof form, detailing and fenestration of the host building and other locally distinct forms.

Living conditions

14. The appeal proposal would introduce a number of windows at second floor level, including two which are full height and openable with Juliet style balconies. The openable full height window to bedroom 1 would look down the length of a recessed area and would not result in any material levels of overlooking. One of the side facing windows serves a bathroom and would presumably be obscure glazed. The other side facing windows is secondary to bedroom 2 and due to its position and viewing angles achievable, would not result in unacceptable levels of overlooking onto the side of No 66 Wyatt Park Road.
15. The main opportunity for overlooking would arise from the rear French doors to bedroom 2, which would allow for elevated overlooking into the rear gardens of Nos 64, 66, 70 and 72 Wyatt Park Road. However, being a Juliet style balcony, the scheme does not include a platform as such, thereby considerably restricting the field of view and any likely dwell time. Whilst French style doors would more obviously and more conspicuously announce the possibility of overlooking than that which would occur more casually from a window, the difference would not be to an extent which would warrant withholding planning permission on this issue alone, particularly given the existing degree of mutual overlooking in this tightly spaced residential area.
16. I therefore conclude on this main issue that the proposal would not have an unacceptable effect on the living conditions of the occupiers of the neighbouring properties in terms of overlooking and loss of privacy. Therefore, in this regard, the proposal would not conflict with LP Policy Q2 and the aforementioned SPD, insofar as they seek to support development which avoids unacceptable levels of overlooking or perceived overlooking.

Other matters

17. I acknowledge that the National Planning Policy Framework seeks to improve the conditions in which people live, however, in this case, the benefits arising to the appellant would be outweighed by the harm which would be caused to the character and appearance of the host dwelling and the surrounding area.

Conclusion

18. For these reasons, and having taken all other matters raised into account, I conclude that the appeal should be dismissed.

Richard S Jones

Inspector