
Appeal Decision

Site visit made on 24 April 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 22 May 2017

Appeal Ref: APP/N5660/D/17/3171442
17 Fieldhouse Road, London SW12 0HL

- 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 Ms Sana Khareghani against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/06926/FUL, dated 12 December 2016, was refused by notice dated 8 March 2017.
 - The development proposed is a ground floor wraparound extension to rear of property.
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Decision

1. The appeal is dismissed

Procedural Matter

2. The application was initially the subject of a 'refusal notice' dated 8 March 2017, however this did not include any reasons for refusal. This original notice was invalid as it failed to meet the requirements set out in the Development Management Procedure Order¹ (DMPO), in that it did not include all of the required elements, including full reasons for the refusal, specifying all policies and proposals in the development plan. However, after this was brought to the Council's attention the Council issued a new document including a refusal reason on 5 May 2017, albeit bearing the date 8 March 2017.
3. I am satisfied that the corrected notice now meets the requirements of the DMPO, and I have therefore taken the corrected decision notice as being the Council's decision in this case. The appellant would have been aware of the Council's reason as it is identical to that set out in the Council officer's report. She was also able to comment on the corrected decision notice but did not avail of the opportunity. I do not consider that any parties will have been prejudiced as a result.

Main Issue

4. The main issue raised by this appeal is the effect the proposed extension and removal of an external staircase would have on the character and appearance of the host building, the terrace and the Hyde Farm Conservation Area, a designated heritage asset.

¹ Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reasons

5. The appeal property is a terraced house. The proposed single storey extension would infill the space between an existing rear outrigger and the boundary with the adjoining property at 15 Fieldhouse Road and wrap around the end of the outrigger. This would entail the removal of a flight of external steps which currently project from its gable end.
6. The Conservation Area is characterised to a large extent by the attractive, and on the whole well preserved, terraces of two storey buildings. The mixture of flats and houses display many similarities in their architecture and design which gives rise to a particularly coherent streetscape from which the Conservation Area derives a considerable part of its character and hence significance.
7. The terrace in which the appeal site is located is typical of this high degree of uniformity in its appearance and character. Although less formal than the street frontages, the rear of properties on the terrace also display a considerable degree of consistency in appearance, building form and detailing. This is shared with the rear aspects of the majority of properties surrounding the rear of the appeal site on Glenfield, Burnbury and Emmanuel Roads.
8. The appeal property, and 19 Fieldhouse Road next door, differ from the majority of their neighbours by virtue of being houses rather than pairs of 'Tyneside' flats. It occupies a slightly narrower footprint, has a shorter return outrigger and the steps which lead from the garden to the first floor project to the rear rather than those on the surrounding flats which run adjacent to the rear elevations of their outriggers. However, in many other respects it maintains many similarities with its surroundings such that these differences are subtle and the property makes a positive contribution to the Conservation Area's distinctive character and appearance.
9. Although of a different orientation to those of most of its neighbours, the external staircase is nevertheless a distinctive feature which makes a positive contribution to this character and appearance which exists to the rear. Its removal would result in the loss of an architectural and historic feature and would also render the property unbalanced with the rear of No 19.
10. Similarly, although slightly more modest than most of those of its neighbours, the return outrigger forms part of the area's distinctive pattern of development. The proposed wraparound extension would have the effect of aligning the return outrigger with those to the rear of surrounding flats at ground floor. However, by wrapping around the outrigger and extending the full width of the plot it would obscure the original form of the building at ground floor level. This would erode the rhythm which currently exists between properties and compromise the distinctive form of the host building, as well as that of the terrace, which exists to the rear.
11. Although the proposal would not be visible in any public views there remains a high degree of intervisibility between properties at the rear, including those opposite on Glenfield Road. It would have more than a very localised effect as a result of this arrangement. Intervening trees and planting in the gardens between the two streets would not screen the proposal to such an extent that the extension would not be seen or the loss of the staircase not be apparent and the effect on the area's character is not dependent on visibility.

12. The combination of the effect of the wraparound extension and the loss of the rear stairs and associated doorway would harm the Conservation Area's character and appearance, the desirability of preserving or enhancing such attributes is something to which I have paid special attention. I have attached considerable importance and weight to this harm and although it would be less than substantial in light of its scale in relation to that of the whole Conservation Area, there are no public benefits which would outweigh this harm.
13. The proposal would be contrary to Lambeth Local Plan, 2015 Policies Q5, Q11 and Q22 which, amongst other criteria, together seek to sustain and reinforce local distinctiveness. In particular Policy Q11 emphasises that subordination is a key consideration for extensions and criterion (e) (iii) requires that infill extensions should be set back from the corner of the main return on heritage assets. This policy is supported by the Council's guidance² which advises that in the case of heritage assets, a set back from the existing corners of return elements, to better emphasise their subordination, is a requirement for extensions to be acceptable.

Other Matters

14. I can appreciate the appellant's desire to remain living in the street with its strong community identity and feel, which she contends the extension would enable, and that such a view was supported by other interested parties. However, I cannot give such personal circumstances any weight.
15. There is little substantive evidence that the existing staircase arrangement is harmful to the security of the property or its occupiers, nor that any such concerns could only be dealt with by way of the alterations proposed.
16. Representations were made in respect of the planning application to the effect that the human rights of the occupiers of the appeal property would be affected if permission were not granted. In particular this related to Article 1 of the First Protocol of the European Convention on Human Rights, as incorporated by the Human Rights Act 1998, concerning the enjoyment or deprivation of possessions.
17. However I do not consider this argument to be well founded because dismissing the appeal would have a very limited effect on the peaceful enjoyment of the occupiers' property and would not deprive them of their property. This right is a qualified one and having regard to the legitimate statutory and planning policy aims to preserve and enhance the significance of heritage assets, the refusal of permission would be proportionate and necessary in this case. The degree of interference caused would be insufficient to give rise to a violation of rights under Article 1 of the First Protocol.

Conclusion

18. For the above reasons, and having had regard to all other matters raised, the proposal would harm the character and appearance of the host building, the terrace and the significance of the Conservation Area, contrary to the development plan and Council guidance. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR

² Building Alterations and Extensions SPD, 2015.