

Appeal Decision

Site visit made on 16 May 2017

by Oliver Blower MA (T&CP)

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 13 June 2017

Appeal Ref: APP/N5660/D/17/3170108
185 Norwood Road, London SE24 9AF

- 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 Tim Long and Ms Mavis Owusu-Gyamfi against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/02708/FUL, dated 29 April 2016, was refused by notice dated 2 December 2016.
 - The development proposed is described as "demolition of side return conservatory and single storey rear extension with refurbishment of front and rear of building. Construction of upwards extension over existing scullery wing with installation of rooflights".
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposed development, firstly, on the character and appearance of the host building and whether it would preserve or enhance the character or appearance of the Brockwell Park Conservation Area; and secondly, on the living conditions of the occupiers of neighbouring dwellings, with particular regard to daylight and sunlight.

Procedural matters

3. The proposal is for the erection of a second floor rear extension, a single storey ground floor rear infill extension, the replacement of all windows with double glazed timber sash windows, the replacement of the front bay window roof with slate and other associated alterations.
4. The Council's reasons for refusal clearly relate to the effects of the proposed second floor rear extension only. The Council's delegated register makes clear that the other elements of the proposal are acceptable.
5. I note that the Council has granted permission (dated 30 November 2016, reference 16/02706/FUL), for the same development as that proposed, with the singular exception of the second floor rear extension. At the site visit it was apparent that construction for this scheme had commenced and that the single-storey rear and infill extensions have been demolished.
6. This decision, therefore, concentrates solely on the effects of the proposed second floor rear extension, as there is extant permission for the other elements of the scheme.

Reasons

Character and appearance

7. There is a statutory duty¹ to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area and I must consider the effect of the proposed development from that perspective.
8. Furthermore, although the Council did not refer to the National Planning Policy Framework ('the Framework') in its reasons for refusal, this defines a conservation area as a 'heritage asset', and seeks to ensure that heritage assets are conserved in a manner appropriate to their significance². I must therefore assess the significance of the conservation area in those terms, and come to a view on whether the development would cause 'substantial' or 'less than substantial' harm.
9. The Brockwell Park Conservation Area (CA) is centred on the former 19th Century parkland known as Brockwell Park, which has an open verdant and traditional character, reinforced by the traditional town houses within its south east boundary, which includes the appeal site.
10. Nos 181 to 187, of which the appeal site forms part, are all three-storey houses with butterfly roofs behind a continuous front parapet wall with two-storey front bays. To the rear are symmetrical two-storey pitched roofed rear returns, shared between pairs of houses, which terminate below the third-storey windows. The existing symmetry of the rear returns creates a pleasing uniformity which reinforces the cohesive and traditional nature of this group of houses and, in turn, make a positive contribution to the significance of the heritage asset because they preserve the traditional character and appearance of these terraced houses.
11. I note that Nos 189 to 195 Norwood Road have taller rear returns, however these appear to be original, maintain their symmetry, and are in proportion to the greater height of the host buildings in comparison to Nos 181 to 187. Thus these houses form their own distinct group, with altogether grander proportions, so that they are not directly comparable to Nos 181 to 187.
12. I also note that there are other houses with rear returns that terminate closer to roof level, such as the two-storey rear returns of Nos 177 to 179. Nonetheless, the prevalent character is of symmetrical rear returns which are in proportion to their host building and broadly uniform in height and appearance within their distinct group.
13. The proposal seeks, in part, the erection of a third-storey extension above the existing two-storey rear return. It would have a mono-pitch roof with a ridge height that would terminate broadly in line with the top of the third-storey window of the main house.
14. I note the appellants' comments that the proposed development would respond to the local context and would provide a gentler transition between the site's

¹ This requirement is set down in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is always a material consideration when dealing with appeals in conservation areas.

² The Framework makes it clear that decision-makers should identify and assess the significance of any heritage asset and the impact of a proposal on the significance of the asset. When considering the impact of a development on significance, great weight should be given to the asset's conservation.

two-storey and taller three-storey neighbours. However, the proposed third-storey extension would increase the height of one side of the back-to-back rear return shared with No 187, altering the existing pitched roof to two mono-pitched roofs of different heights. This resulting increase in height and bulk, together with the introduction of an asymmetrical roof form, would give the appearance of a contrived and incongruous addition, obliterating the characteristic symmetry between the rear returns of No 185 and 187, and their counterparts at Nos 181 and 183, and severely diminishing the otherwise cohesive and traditional appearance of this group.

15. Accordingly I find that the development would harm the character and appearance of the host building and terrace group when viewed from the rear of adjacent dwellings and, thus, would not preserve or enhance the character or appearance of the CA. This finding of harm must carry considerable importance and weight. I am satisfied that the harm caused by the development to the heritage asset is less than substantial, because the development concerned is small scale, but nevertheless permission should only be granted if public benefits would outweigh the harm as detailed in the Framework.
16. The development would benefit the appellant through the provision of additional floor space for a bathroom and study. This, however, cannot amount to a public benefit of the scheme, or outweigh the harm caused by the development to the character and appearance of the CA.
17. Consequently, for the reasons given above, I conclude that the proposed development would cause unacceptable harm to the character and appearance of the host building, terrace group and the CA.
18. The development is therefore contrary to Policies Q2, Q5, Q11 and Q22 of the Lambeth Local Plan which seek, amongst other matters, to ensure that development does not unacceptably compromise visual amenity from adjoining sites; sustains and reinforces local distinctiveness; is designed in response to local context and historic character in terms of built form including roof scapes and relationship with other buildings; positively responds to the original architecture, roof form, fenestration of the host building and other locally distinct forms; and preserves or enhances the character or appearance of conservation areas by respecting and reinforcing the established positive characteristics of the area in terms of design, height and form.

Living Conditions

19. The blank flank wall of the proposed third-storey would be adjacent to the landing window of No 187, which faces south east. The proximity of the proposed flank wall to the window would reduce the levels of daylight and would result in a degree of enclosure when looking out of the window. Given its orientation, it would also cause some loss of sunlight entering the window in the morning, in particular during the summer months. However, given that the window does not serve a habitable room, the effect on the occupiers of No 187 would not be unacceptably harmful.
20. There is sufficient separation distance between the windows on the rear elevation of No 183 and the proposed third-storey extension that it would not lead to unacceptable loss of daylight or sunlight to those windows.

21. No 183 has a single-storey infill extension with a largely glazed roof. The proposed third-storey extension would project no further than the existing rear return and, although it would be higher, it would not unacceptably diminish the levels of daylight or sunlight entering the rooflights, or appear significantly overbearing as to detract from the occupiers' outlook when viewed from inside looking up and out of the rooflights.
22. Concerns have been raised in regard to overlooking of the rear gardens of neighbouring houses from the proposed third-floor window. This window would broadly align with the position of the existing landing window, albeit lower and set further forward. The window would serve a bathroom (a non-habitable room) thus the window would not unacceptably increase the level of overlooking when compared to the existing window it would replace.
23. Consequently, with respect to the living conditions of the neighbouring occupiers only, I conclude that the proposed development would not cause unacceptable harm. Thus, in this narrow regard, the proposed development is in accordance with policy Q2 of the Lambeth Local Plan which seeks to ensure, amongst other things, that development does not have an unacceptable impact on levels of daylight and sunlight to adjoining properties; and provides adequate outlook and avoids wherever possible any undue sense of enclosure or unacceptable levels of overlooking.

Other Matters

24. The appellant has referred to a previous appeal at 147 Norwood Road (ref APP/N5660/D/14/2216579, dated 6 May 2014). In that case, however, the appeal was for a two-storey rear return where No 147 had an existing single-story flat roofed rear return. The inspector concluded that the proposed extension would match the height of, and would be in keeping with, two-storey projections of other houses in the terrace. It is clear, therefore, that the particulars of that appeal are not directly comparable to this appeal.
25. The appellant has referred to advice contained in the Council's Building Alterations & Extensions Supplementary Planning Document (SPD). The SPD, however, makes clear that extensions to rear closet returns should follow the established local pattern, the examples given in figure 3 do not illustrate asymmetrical extensions to back-to-back rear returns and, in any event, every proposal must be determined on a case-by-case basis where a heritage asset is concerned.
26. The Council have not objected to the other elements of the scheme and I agree that they are acceptable. I have considered issuing a split decision, but in my view the third-storey extension is not readily separable from the remaining elements. As previously noted, however, the acceptable elements of the scheme have already been granted by the Council under separate planning permission.

Conclusion

27. Although I have found the development acceptable in terms of its effect on the living conditions of neighbouring occupiers, this does not outweigh the harm in regards to character and appearance described above. Consequently, having had regard to all matters raised, the appeal is dismissed.

O. Blower Appointed Person