
Appeal Decisions

Site visit made on 7 June 2017

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 3rd July 2017

Appeal Ref: APP/N5660/W/17/3171390

The Loft, 39 Tunstall Road, London SW9 8BZ

- 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 Blathnaid Duffy against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/05815/FUL, dated 10 October 2016, was refused by notice dated 19 December 2016.
 - The development proposed is rear extension over existing roof terrace.
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Decision

1. The appeal is allowed and planning permission is granted for rear extension over existing roof terrace at The Loft, 39 Tunstall Road, London SW9 8BZ in accordance with the terms of the application, Ref 16/05815/FUL, dated 10 October 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 455_100_PL_01; 455_100_PL_02; 455_100_PL_03; 455_100_PL_04; 455_100_PL_05; 455_100_PL_06; 455_100_PL_07; 455_100_PL_08; 455_200_PL_01; 455_200_PL_02; 455_1000_PL_01.
 - 3) All new external work and finishes and work of making good shall match the existing adjacent original work in respect of the materials, colour, texture, profile, and finished appearance, except where indicated otherwise on the drawings hereby approved.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the host building and surrounding area; and,
 - Whether the proposal would have a detrimental effect on the living conditions of the occupiers of No 37 Tunstall Road with particular reference to overlooking.
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Reasons

Character and appearance

3. The appeal site is an upper floor flat which spans two 3-storey terraced properties, No 39 and 41 Tunstall Road. It has previously been altered to incorporate a full width box dormer. The dormer has a central access onto a rear roof terrace which extends over the outriggers of both properties, making the terrace unusually large. The dormer also includes windows which span almost the full width of the rear elevation, and the terrace is enclosed by frosted glass panels.
4. Other adjacent rear terrace areas are also used as extensions to living areas, with various approaches to the screening and enclosure of these spaces being visible from the appeal site. This creates a somewhat varied appearance across the roofscape, though the subservient relationship between the main roof areas and the rear outriggers appears to remain intact. I understand that not all of these have the benefit of planning permission, and also note that they do not cover as large an area as the present proposal.
5. The proposal would enclose the central part of the terrace to form an additional living area. It would have glazing panels to its sides and a flat stainless steel roof including an overhang which would span the width though not the full depth of the terrace. In views from Brighton Terrace, and the roof terraces to the east, this extension would be seen below the windows of the dormer extension and above the existing glass balustrade. As such its glazed form and simple roof would create a light structure which would appear subordinate to the current roof, and not unreasonably large nor incongruous. Furthermore, in terms of design and materials it would not be discordant with previous additions to this property.
6. Whilst I accept that this extension would extend further to the south than other rear extensions, the fact that this is the westernmost outrigger in the row would mean that it could be accommodated without unduly disrupting the appearance of the row when viewed as a whole. I also note that the basic form of the outrigger would remain visible.
7. The proposal would also include alterations to the existing rooflights on the front roof plane. The Council considers that this aspect of the proposal would be acceptable in design terms and I have no reason to take a different view.
8. Overall my view is that this proposal would not have a detrimental effect on the character and appearance of either the host building or surrounding area. In these respects it would not conflict with the Lambeth Local Plan 2015 (Local Plan) Policy Q11 nor the SDP¹ which, taken together, require that roof additions should remain subordinate to and not harm the architectural integrity of the host building or its group.

Living conditions – overlooking

9. The extensive use of the rear roof terraces within this row means that there is already some degree of overlooking of the upper floor windows on rear

¹ Building Alterations and Extensions Supplementary Planning Document 2015

elevations. In the present case the roof terrace is located in close proximity to what I understand are rear bedroom windows relating to No 37 Tunstall Road.

10. I accept that the current use of the terrace is to a large degree weather dependant, and that its enclosure would enable it to be used more intensively all year round. However the enclosed area would be centrally located, with the perimeter area remaining open, though covered by the roof overhang. My view is that this separation gap would ensure that the area of most intense use would be away from the boundary with No 37, thereby reducing the likelihood that there would be any substantive increase in the opportunity for, or likelihood of, overlooking of rear windows. Furthermore I accept the appellant's point that the retention of the opaque glass balustrade would further reduce inter-visibility.
11. Whilst it is possible that the roof overhang would increase the use of the area directly adjacent to the balustrade in poor weather, as this area would not be of a particularly usable size this would be unlikely.
12. On this matter I conclude that the proposal would not have a detrimental effect on the living conditions of the occupiers of No 37 Tunstall Road with particular reference to overlooking. In this respect it would comply with the Local Plan Policy Q2 and the SPD which support new development providing acceptable levels of privacy are provided.

Other Matters

13. I note the concerns of the occupier of No 37 regarding loss of light to rear bedroom windows. However, the fact that this elevation is south facing and therefore receives high levels of direct sunlight all year around, combined with the fact that this structure would contain a high proportion of glass, would mean that any harm in this respect would not be significant.
14. I also note the neighbours' concerns about noise and disruption during construction. Whilst I accept that the proposal would involve internal re-configuration as well as the extension, any disruption would be short-term and unlikely to impinge on local living conditions to any great degree.

Conclusion

15. I have found that the proposal would not have a detrimental effect on the character and appearance of the host building or local area, nor would it be harmful to the living conditions of the occupiers of the neighbouring property. As a result it would be in accordance with the development plan taken as a whole. Therefore the appeal should succeed, subject to conditions which specify the relevant drawings as this provides certainty, and in order to safeguard the character and appearance of the area.

AJ Mageean

INSPECTOR