
Appeal Decision

Site visit made on 13 June 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 06 July 2017

Appeal Ref: APP/N5660/17/3170987

117-119 South Lambeth Road, London SW8 1XA

- 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 Daleside Estates Limited against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/06770/FUL, dated 1 December 2016, was refused by a notice dated 23 February 2017.
 - The development proposed is an extension at roof level to create a studio flat.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have dealt with another appeal (Ref: APP/N5660/W/17/3171007) on this site. That appeal is the subject of a separate decision.
3. The appellant's statement of case indicates that consideration would be given to removing the roof terrace from the proposal and also suggests that amendments could be made to the floor space and include storage areas within the proposed studio flat. I am mindful of advice set out in Annex M.1 and M.2 of the Procedural Guide –Planning Appeals, March 2016, which states that the appeal process should not be used to evolve a scheme. If the appellant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal, they should normally make a fresh planning application. Moreover, no revised plans have been submitted with the appeal for my consideration, or for the local planning authority to make comments on. In the interests of natural justice, I have therefore determined the appeal on the basis of Drawing Ref: 2220/1 Rev D which was before the Council when they made their decision,

Main Issues

4. The main issues in this case are:
 - The effect on the character and appearance of the host property and surrounding area;
 - The effect on the living conditions of the neighbouring residents, with particular regard to privacy, noise and disturbance; and
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- Whether the appeal proposal would provide acceptable living conditions for future residents, with particular regard to internal living space and outlook.

Reasons

Character and appearance

5. The host property occupies a prominent position within South Lambeth Local Centre, and on a busy London Distributor Road. It has recently been renovated and forms part of a visually cohesive terrace of three-storey properties. No 117 forms one end of this short terrace and it displays a simple hipped roof which mirrors the roof form of No 125 which is situated at the other end of the terrace. Together these roof forms provide the terrace with a distinct symmetry. The proposed hip to gable extension would upset the symmetry of the terrace, which currently makes a valuable contribution to the street scene.
6. Furthermore, there is an important spatial and visual relationship between Nos. 115 and 117 South Lambeth Road. A narrow walkway separates these two ends of terraced properties and their opposing hipped roofs provide them with a clear visual separation. The hip to gable extension proposed to No 117 would upset the visual balance that currently exists between these terraces and would have a harmful effect on their spatial character.
7. The overall scale and form of the proposed rear mansard roof extension would not be uncharacteristic in this location, particularly as other mansard roof extensions are clearly visible close by. However, the scale and appearance of the proposed glass balustrade at roof level would appear incongruous and would be particularly conspicuous when viewed from neighbouring residential properties. The balustrade, when viewed together with the proposed doorway within the mansard, as well as the number and positioning of the rear dormer windows, would detract from the existing simple composition of the property's rear elevation, and have a harmful effect on the overall visual qualities of the host property.
8. I conclude that the proposed roof extension would have a harmful effect on the character and appearance of the host property and surrounding area. It would conflict with the development plan, and in particular with Policies Q2, Q5 and Q11 of the Lambeth Local Plan, 2015 (Local Plan) and Supplementary Planning Document, Building Alterations & Extensions, 2015 which seek to protect visual amenity, reinforce local distinctiveness, respond to the existing built form and relationship with other buildings and to ensure that new building alterations and extensions respond to the original architecture, including roof form, fenestration and detailing.

Living conditions of neighbouring residents

9. The proposed communal roof terrace would be situated directly adjacent to, and above the residential property known as 1a Tredescant Road. When standing on the terrace there would be clear views into this property's private rear courtyard, as well as over the residential gardens situated to the rear of neighbouring properties on Tredescant Road. The use of the terrace would therefore have a detrimental effect on the privacy of the occupiers of these properties by overlooking.

10. In view of the scale of the proposed terrace, it would clearly provide opportunities for outdoor sitting and dining. I recognise that the appeal site is situated within a local centre, and consequently the background noise levels from traffic and some late night activities, eg takeaways and public houses, are likely to be above those that would normally be expected in a wholly residential area. However, the roof terrace would be situated to the rear of the property, at a high level, and in close proximity to many residential properties on both Tredecant Road and Stockwell Gardens. I could not see any similar examples of terraces on neighbouring properties, and the atmosphere in this back of street location, is clearly one of a residential neighbourhood. The proposed roof terrace, by reason of its scale and location, would in my opinion have a material detrimental impact on the living conditions of neighbouring residents, by reason of the noise and disturbance that would be associated with its use.
11. I conclude that the proposed roof terrace would have a harmful effect on the living conditions of neighbouring residents, with particular regard to privacy, noise and disturbance. It would therefore conflict with the development plan, and in particular with Policy Q2 of the Local Plan which seeks to ensure, amongst other things, that new development avoids unacceptable levels of overlooking and does not have an adverse impact on noise levels.

Living conditions for future occupiers

12. The studio flat would be situated within the roof space, and there is no dispute between the main parties that it would meet the gross internal area (GIA) standard for a one person one bedroom (1b1p) flat as set out in Policy 3.5 of the London Plan, 2016 which has adopted the Nationally Described Space Standards¹ (NDSS). The three dormer windows and four rooflights would provide well-lit accommodation and in view of the number of dormer windows proposed, their size, position and open aspect, I am also satisfied that the future occupiers would have a reasonable outlook.
13. The NDSS sets a minimum ceiling height of 2.3 metres for at least 75% of the GIA of the dwelling. However, it strongly recommends that within London a minimum ceiling height of 2.5m for a least 75% of the GIA is provided. It also requires 1m² of built in storage. The appellant acknowledges that the proposal does not comply with this guidance. I am satisfied that although not identified on the proposed layout for the flat, there would be sufficient space available to accommodate built-in storage, without compromising the NDSS for minimum GIA. There is some dispute between the main parties over the percentage of GIA that would have a ceiling height exceeding 2.3m. However, even if I were to accept the appellant's figure of 71%, these are minimum standards, and consequently any breach of them would in my opinion result in a dwelling that would not provide a comfortable living environment and nor would it deliver a home which would meet the objectives of the London Plan to improve the quality and design of housing. The building does not involve the re-use of a heritage asset, and I have not been provided with any evidence that would lead me to conclude that a breach of these standards would be appropriate in this case.
14. I conclude that the appeal proposal would not provide acceptable living conditions for future residents, having particular regard to internal living space. The proposal would be in conflict with the development plan, and in particular

¹ Technical housing standards- nationally described space standards. DCLG 2015.

with Policy 3.5 of the London Plan, 2016 and Policies H5 and Q2 of the Lambeth Local Plan, 2015 which seek to ensure, amongst other things, that housing development should be of the highest quality internally, not have an undue sense of enclosure and accord with the principles of good design, including amenity.

Other Matters

15. Then Council's third reason for refusal relates to the appellant's failure to provide sufficient information in relation to energy efficiency or the sustainability of the proposal. The proposed development would be a simple conversion, re-using an existing building and with limited opportunities to incorporate new energy efficient construction materials. However, the appellant's statement provides some additional information on improvements that could be made to reduce carbon dioxide emissions, and improve the thermal efficiency of the building. Should I have been minded to allow the appeal, I am satisfied that this matter could have been adequately dealt with by a suitably worded condition.
16. The Council consider that the proposal should be car free, and that a planning obligation under Section 106 of the Town and Country Planning Act 1990 is required to secure a car free development. The appellant has indicated a willingness to provide such an obligation. Whilst no such obligation has been submitted, given my findings on the main issue, this is not a matter that I need to address.

Conclusion

17. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR