
Appeal Decision

Site visit made on 22 August 2017

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 5 September 2017

Appeal Ref: APP/N5660/W/17/3169753

The Coach House, 30 Macaulay Road, London SW4 0QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Ms Fiona Pare against the decision of the Council of the London Borough of Lambeth.
- The application Ref 16/06717/VOC, dated 17 November 2016, was refused by notice dated 17 March 2017.
- The application sought planning permission for the 'Erection of a single storey ground floor rear extension with one rooflight together with the replacement of two rear elevation bay windows at first floor level and the erection of a pitched roof above the main building to include three side rooflights (The Coach House)' without complying with conditions attached to planning permission Ref 16/04846/FUL, dated 12 October 2016.
- The conditions in dispute are:
 - No 2 which states that: *'The development hereby permitted shall be carried out in accordance with the approved plans listed in this notice.'* The reason given for the condition is: *'For the avoidance of doubt and in the interests of proper planning.'*
 - No 6 which states that: *'The roof area of the rear extension hereby approved shall not be used as a balcony, sitting out area or amenity area.'* The reason given for the condition is: *'To prevent overlooking and loss of privacy in the interests of the amenities of the adjoining properties (Policy Q2 of the Local Plan (2015)).'*

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey ground floor rear extension with one rooflight together with the replacement of two rear elevation bay windows at first floor level and the erection of a pitched roof above the main building to include three side rooflights at The Coach House, 30 Macaulay Road, London SW4 0QX in accordance with the application Ref 16/06717/VOC, dated 17 November 2016 without compliance with condition numbers 2 and 6 previously imposed on planning permission Ref 16/04846/FUL, dated 12 October 2016, and subject to the conditions set out in the attached schedule.

Preliminary Matter

2. The appeal proposal is to vary condition 2 of the original permission in order to amend the approved drawings and to delete condition 6. The effect of the proposal would be to allow the flat roof of the approved ground floor extension to be used as a terrace. The amended plans show that the terrace would have
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a 1.8m high brick wall on boundary with No 32, a 1.8m high glazed screen on the boundary with No 30 and a 1.1m high glazed screen on its rear-facing side.

Main Issues

3. The main issues are the effects that amending the conditions would have on:
 - the character and appearance of the Clapham Conservation Area and the host building;
 - the living conditions of the occupiers of Nos 30 and 32 with particular regard to outlook, privacy and noise.

Reasons

Character and Appearance

4. The appeal property is a coach house attached to the side of a substantial four storey semi-detached villa. Similar combinations are found elsewhere along Macaulay Road and contribute positively to the range of 18th and 19th century buildings which line the roads around Clapham Common and, therefore, to the significance of the Conservation Area.
5. The proposals approved under planning permission reference 16/04846/FUL have been implemented and add to the range of rear extensions and alterations to buildings in the vicinity of the appeal site. These include a conservatory and terrace addition to No 30 immediately adjoining the flat roof which is the subject of this appeal. I recognise that raised terraces are not characteristic of 19th century buildings in the area. Nevertheless, the appellant has drawn my attention to other examples of terraces added to the rear of buildings within the Conservation Area. The proposed terrace would not be seen from public viewpoints. It would be visible from the rear windows and gardens of adjoining properties. However, the proposed wall and glazed screens would be modest in scale compared with the host building. The wall would use bricks to match the existing building and the glazed screens would be visually lightweight. As such, the appearance of the terrace would not jar with its surroundings and it would not dominate the rear of the building.
6. Consequently, by virtue of its siting, scale and design, I consider that the proposal would not have a harmful effect on the character and appearance of the Conservation Area or the host building. As such, it would not conflict with the underlying aims of Lambeth Local Plan 2015 (LP) Policy Q11 insofar as it normally seeks to resist roof terrace on locally distinct building types. Nor would it conflict with LP Policies Q2, Q5, Q8 or Q22. Together, these policies require proposals to respond to the positive aspects of local context, preserve or enhance the character or appearance of conservation areas, be subordinate to the existing building and use visually attractive detailing. Further, the proposal would not conflict with the Council's Building Alterations and Extensions Supplementary Planning Document (SPD) to the extent that it has similar aims or paragraph 131 of the National Planning Policy Framework (the Framework) which requires the desirability of sustaining and enhancing the significance of heritage assets to be taken into account.

Living Conditions

7. The proposed wall would be some 2.9m long and increase the total height of the structure on the boundary with No 32 to some 4.1m. The rear elevation of

No 32 includes a splay-sided bay fairly close to the boundary with the appeal property. The bay's side windows at lower and upper ground floor levels in particular would be affected by the proposed wall. However, the bay also includes rear facing windows and windows splayed away from the appeal site. Consequently, I consider that the proposed wall would not have an overbearing effect on the overall outlook from the neighbouring bay windows.

8. There are two large bay windows at first floor level in the rear elevation of the Coach House. These would be used to provide access to the proposed terrace. They offer clear views of the terrace at No 30 as well as parts of the rear gardens of Nos 30 and 32. The terrace at No 30 also offers clear views to neighbouring gardens, as well as into the bay windows of the appeal property. Standing on the proposed terrace would offer a slightly wider field of view of the neighbouring gardens than can be gained from the bay windows. Nevertheless, having regard to existing levels of overlooking, I consider that the proposed terrace would not result in a material reduction in the privacy of neighbouring occupiers. Indeed the 1.8m glazed screen proposed on the boundary with No 30 would, to a degree, obscure views in the direction of that property.
9. The proposed terrace would be at first floor level and accessed via a study or a bedroom. The appeal property has paved rear patio accessed from the main reception area on the ground floor of the building. Therefore, whilst the proposed terrace could be occupied by a number of people, I consider that it would be less likely to be used for any noisy gatherings than other areas of the property.
10. Overall, therefore, I find that the proposal would not have a harmful effect on the living conditions of the occupiers of Nos 30 and 32 by reason of loss of outlook or privacy or noise impact. As such, it would not conflict with LP Policy Q2 which requires proposal to ensure acceptable standards of privacy and avoid any undue sense of enclosure or noise impacts. Nor would it conflict with the SPD inasmuch as it has similar aims. The second reason for refusal also cites LP Policy D1. However, this policy is concerned with the broad spatial vision and strategic objectives of the LP and is, therefore, of limited assistance in my consideration of this issue.

Conditions

11. The Council has suggested a list of three conditions. Section 73(5) of the 1990 Act states that planning permission must not be granted under this section to the extent that it changes a condition subject to which a previous planning permission was granted by extending the time within which development must be started. Consequently, I will impose a condition requiring the development to be started within three years of 12 October 2016, that is, the date of the original decision.
12. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties. I

will, however, vary condition 2 to refer to the revised list of plans and omit condition 6.

Conclusion

13. For the reasons set out above, the appeal should be allowed.

Simon Warder

INSPECTOR

**Schedule of conditions attached to
Appeal Ref: APP/N5660/W/17/3169753
The Coach House, 30 Macaulay Road, London SW4 0QX**

- 1) The development to which this permission relates must be begun no later than three years from 12 October 2016.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1607/1/A; 1607/2/A; 1607/3/C; 1607/4C and 1607/5/C.
- 3) The materials to be used for the external surfaces of the development hereby permitted shall match those of the existing building. All new works and works of making good to the retained fabric shall be finished to match the adjacent work with regards to the methods used and to material, colour, texture and profile, unless the prior written approval of the local planning authority is obtained to any variation, or except where otherwise stated on the approved drawings.
- 4) Materials to be used in the external elevations shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall be thereafter built in accordance with the approved details. The following details are required:
 - Detailed drawings of proposed fenestration (including rooflights) at 1:20, 1:5 and 1:1 scale where appropriate;
 - Samples of materials to be submitted and approved.
- 5) The rooflights hereby approved shall be of conservation grade specifications, flush with the profile of the roof, and with a vertical glazing bar.