



Appeal Decision

Site visit made on 7 November 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 14th November 2017

Appeal Ref: APP/N5660/W/17/3180747

16b Electric Avenue, London SW9 8JX

- 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 Karin Christiansen against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 17/01150/FUL, dated 8 March 2017, was refused by notice dated 3 May 2017.
 - The development proposed is construction of a rear closet return addition, partial retention of an existing roof terrace and the installation of a single conservation grade rooflight to the rear roof slope.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a rear closet return addition, partial retention of an existing roof terrace and the installation of a single conservation grade rooflight to the rear roof slope at 16b Electric Avenue, London SW9 8JX in accordance with the terms of the application, Ref 17/01150/FUL, dated 8 March 2017, 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 approved plans: MS 013 100; MS 013 101; MS 013 102; MS 013 103; MS 013 104; MS 013 105; MS 013 106; MS 013 107; MS 013 108; MS 013 110; MS 013 111; MS 013 112; MS 013 113; MS 013 114 and MS 013 115.
 - 3) No development shall commence until samples of the materials to be used in the construction of the external elevations and balustrading hereby permitted have been submitted to and approved in writing by the local planning authority. Development thereafter shall be carried out in accordance with the approved details.

Main Issues

2. The main issues are the effect of the development on (i) the character and appearance of the Brixton Conservation Area and the locally listed building; and (ii) the living conditions of the occupiers of neighbouring properties with particular regard to overlooking.

Reasons

Character and appearance

3. The appeal property is an end of terrace three-storey building with a basement and living accommodation in the loft space situated in Brixton Town Centre and the Brixton Conservation Area (CA) with a retail use at ground floor level and residential use above. The neighbouring properties comprise of a dense mix of generally three-storey terraced properties set in narrow plots. The significance of the buildings is derived from their substantial scale and traditional design with a strong terrace frontage.
4. No. 16 Electric Avenue (No 16) is a locally listed building which has been sub-divided into two self-contained flats. The appeal relates to the top flat at No. 16b which is characterised by a three storey closet return with a flat roof surrounded by a low parapet wall and a large brick chimney stack projecting up from the side of building. I observed on my site visit that within the terrace of the locally listed buildings, the rear closet returns had various additions, including a roof terrace over the closet return at No. 6 with a modern obscured glass balustrade screen. As a result the original rhythm and harmony of the rear elevation of the terrace has been significantly eroded.
5. The rear of the properties are dominated by the large industrial extractor units and ventilation ducts venting above the Brixton Tube Station and the rear elevations of a number of modern commercial buildings, including a large London Transport property covered in a large expanse of zinc cladding, which provides a varied commercial and industrial context and palette of materials in the immediate surroundings.
6. The proposal would involve the construction of an extension over part of the rear closet return projecting out by about 2.4m and set back with a roof terrace beyond. The proposal would be of a contemporary design with a black painted steel framed Crittall glazed window and door façade on the rear elevation, grey fibre cement panelled walls and a flat sedum green roof with a skylight set down below the eaves of the host property. The roof terrace would be screened by a clear glass balustrade panel above the rear parapet wall and an obscured glass balustrade panel at the side. The proposal would also involve installation of a conservation grade rooflight on the rear roof slope of the host property.
7. The proposed extension would be seen in the context of the current varied architectural styles at the rear of the host building and in the surrounding area. Given the modest scale and position of the proposed extension, set back behind the existing chimney stack at the side of the building, the proposal would only be visible in limited views from Electric Lane at the rear and as such would have a limited impact on the street scene in the surrounding area.
8. Against this backdrop, the scale, form and siting of the proposed extension would not look out of place or excessive in relation to the built form of the host property and the adjacent properties that have already lost much of their original architectural character and uniformity. The contrasting design and material used for the extension and roof terrace would not be out of character with the industrial landscape at the rear of the property, making a clear distinction between the original building and the new additions. This would allow the proposal to achieve an appropriate degree of subordination to the

host property and as such would not detract from the architectural integrity of the host property and the adjacent properties.

9. Given the location of the appeal site within the CA, special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the area. Similarly, a balanced approach is required to assess the effect on the locally listed building as a non-designated heritage asset, in accordance with the National Planning Policy Framework. I consider that the appeal scheme, by virtue of its scale, siting and design would have a neutral to positive material impact and would enhance the character and appearance of the CA and the locally listed building.
10. Consequently, I conclude that the development would not adversely harm the character and appearance of the CA and the locally listed building. It would be consistent with the overall design and conservation aims of Policies Q8, Q11, Q22 and Q23 of the Lambeth Local Plan 2015 (LP) and the Lambeth Building Alterations and Extensions Supplementary Planning Document 2015. These policies and guidance, amongst other things, seek to ensure that development proposals for extensions or alterations of buildings will be of a high standard of design that positively responds and do not unacceptably dominate or overwhelm the original architecture of the host building, especially on heritage assets; have regard to its setting and the character of the surrounding buildings; and preserve or enhance the character or appearance of the Conservation Areas and locally listed buildings.

Living conditions of the occupiers of the neighbouring properties

11. The proposal would be set back from the nearest windows to the habitable rooms at the side of No. 14 and would be separated by the solid side wall of the proposed extension and the 1.4m high obscured glass balustrade side panel of the proposed terrace.
12. Whilst I accept that there would be some overlooking of the neighbouring property at No. 14, given the separation distance, boundary treatment and proposed design, I do not consider that the proposal would cause significant harm to the privacy, nor result in significant overlooking of the occupiers in the rooms and garden at the rear of the property at No. 14. The relationship between the proposed development and the adjacent properties would not be significantly materially different to the existing situation on the site and the proposed design would reduce the potential sense of overlooking in this case.
13. Consequently, I conclude that the development would not result in harm to the living conditions of the occupiers of the neighbouring properties with particular regard to overlooking. The development would be consistent with the overall amenity aims of LP Policy Q2 that seeks to protect the amenity and ensure development proposals provide acceptable standards of privacy and do not cause unacceptable levels of overlooking.

Other matters

14. I note the Council's comments regarding the unauthorised use of the existing flat roof as a roof terrace by the appellant and the support from local residents for the proposal. However, in light of my findings on the main issue of the appeal, my decision does not turn on these matters.

Conditions

15. I have had regard to the various planning conditions that have been suggested by the Council. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. I have also imposed a condition requiring that samples of the external surfaces of the proposed extension and balustrade are submitted and approved in order to protect the character and appearance of the CA and the existing property.

Conclusion

16. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR