



Appeal Decision

Site visit made on 26 June 2019

by A McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2019

Appeal Ref: APP/N5660/W/18/3217009

Flat 4, 46 Gleneagle Road, London SW16 6AF

- 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 Mensah Oteh against the decision of the Council of the London Borough of Lambeth.
- The application Ref 18/03495/FUL, dated 28 July 2018, was refused by notice dated 9 November 2018.
- The development proposed is the erection of a rear roof extension incorporating a window and double doors with Juliette balcony, including the installation of four rooflights to the front roofslope.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant submitted amended plans to the Council at a late stage in the application process in response to the Council's concerns regarding the proposed development. However, the Council determined the proposal based on the plans and drawings originally submitted with the application. Accordingly, I have assessed and determined this appeal on the same basis. Nevertheless, I have had regard to the appellant's amended plans and drawings as material considerations, noting that these did not inform the Council's decision on the original application.
3. The plans and drawings submitted by the appellant contain inconsistent details and measurements. As a result, this has made the appeal scheme and proposed amendments difficult to assess fully. Nonetheless, this alone is not a reason to refuse planning permission and I confirm that I have determined the appeal on the evidence before me. Moreover, I have considered the appellant's claims regarding communication with, and the actions of, the Council during the application process, including pre-application advice and feedback on amendments. In doing so, I note the appellant's frustrations. However, such matters are for the parties to resolve between themselves. As such, I make no further comment on these matters.

Main Issues

4. The main issues are the effect of the proposed development on the:
 - character and appearance of the host property and surrounding area; and
 - living conditions of neighbouring occupiers with particular regard to privacy and potential future development of 44 Gleneagle Road.

Reasons

Character and appearance

5. The appeal relates to a detached residential property on the north side of Gleneagle Road. The building has a roof with a gable end to the eastern side and a hipped pitch roof to the western side and it is subdivided into 4 self-contained flats. The host dwelling, Flat 4, occupies the upper part of the building.
6. From the submitted details, I find that the proposal would not meet the requirements of the relevant development plan policies or the Council's design guidance¹. The originally proposed rear dormer extension would appear as a bulky addition to the building and it would not be suitably subservient. The reduction in the size of the proposed rear dormer, as put forward by the appellant, would reduce its visibility from street level along Gleneagle Road. However, I find that this would be insufficient to prevent the dormer extension from having a harmful visual impact on the character and appearance of the host property and the immediate surroundings to the rear of the property.
7. Due to the inconsistent nature in the detail of the submitted plans and drawings, it is noted that there is a discrepancy in the depth of the dormer window. As such, this would require further clarification if I were to allow the appeal. Furthermore, there is limited detail in terms of the design of the dormer window and other existing and proposed windows within the property. Such inconsistencies in the information and detailing of the proposed scheme and the appellant's amendments make assessment difficult and weigh significantly against the proposal.
8. Notwithstanding this, I note that the proposed number of roof lights to the front roof slope of the host property has been reduced from four to three. Furthermore, I note the appellant's points that this would provide a similar arrangement to that which is in place at 36 Gleneagle Road (No.36) and that other properties along Gleneagle Road also have rooflights in the front facing roof slope. Nevertheless, the Council assessed the scheme with four front rooflights proposed. In my view, based on what I have seen in the local area, I find that this number of rooflights would be out of keeping with the character of the host building and its surrounding area. Four rooflights would appear excessive in the roof scape and would be at odds with the general appearance of properties in the Gleneagle Road street scene.
9. Furthermore, I note that where nearby properties do have rooflights, these are generally smaller than those in the proposed scheme with only one or two openings within the front roof slope. As such, noting the appellant's proposal to reduce the number of rooflights to three, I find that the original four openings and also the amendment to three would appear as visual clutter in the roof scape. It would be harmful to the architectural design and integrity of the host building and be out of keeping with the main pattern of development along Gleneagle Road.
10. Whilst it is acknowledged that other properties nearby have rooflights within the front roof slope and that dormer extensions have also been allowed at nearby properties, I have had particular regard to No.36 with three roof lights. Taking account of the prevailing character and appearance of the area, I find such an arrangement to be the exception rather than the rule. As a result, in my view, it does not provide a benchmark for other schemes. Moreover, I do not have full details of the other examples of similar developments put forward by the appellant. As such, I must give only limited weight to them as a material consideration. In

¹ Lambeth 'Building Alterations and Extensions' Supplementary Planning Document 2015

any event, each proposal must be assessed and determined on its own merits and circumstances and I confirm this to be the case in this appeal.

11. Having taken all of the above into account, I conclude that the proposal would have a significant detrimental effect on the character and appearance of the host property and its surroundings. As a result, it would be contrary to Policies Q5 and Q11 of the Lambeth Local Plan 2015 (LP) and the Council's 'Building Alterations and Extensions' Supplementary Planning Document 2015 (SPD) which, amongst other matters, seek to ensure that building alterations and extensions protect and enhance the characteristics of local distinctiveness.

Living conditions

12. I note that the window to the side elevation of the originally submitted proposed dormer extension would serve a habitable room. Due to its position, I find that it would potentially overlook the neighbouring property at 44 Gleneagle Road (No.44) and have a detrimental impact on the privacy of the occupiers of that property. Notwithstanding this, it is noted from the submitted plans that the side window would be obscured glazed. Whilst this may address some concerns regarding privacy and overlooking, it would be an inappropriate arrangement for a habitable room. Furthermore, regardless of whether it would be obscured glazed or not, due to its position and proximity to No.44, the proposed window would prejudice potential future development of the neighbouring property, in terms of a potential loss of outlook, light or privacy for future or neighbouring occupiers.
13. The appellant submitted revised plans which indicated that the proposed side window was to be removed and would therefore eliminate the overlooking and privacy issue which formed part of the reasons for refusal. Whilst I acknowledge that the removal of the window would likely reduce the impact on the privacy of the neighbouring occupiers, there is no specific information to demonstrate the impact of this on the living conditions of future occupiers of the appeal property. Moreover, the amended scheme is not the proposal submitted to, and determined by, the Council. As such, an assessment of the proposed alteration was not made by the Council. For these reasons, I attach limited weight to it in my Decision.
14. Consequently, I conclude that the proposal, as originally submitted, would have a material adverse effect on the living conditions of the neighbouring occupiers at 44 Gleneagle Road with regard to privacy and would prejudice the potential future development of that neighbouring property. It would, therefore, be contrary to Policy Q6 of the LP and the relevant guidance within the SPD. Amongst other things, this policy and guidance seeks to ensure that proposals protect the amenity of future and neighbouring occupiers and the development potential of properties.

Conclusion

15. The proposal would provide additional living space within the appellant's property which would have a beneficial impact on their living conditions. However, I find that the benefit of the proposal would be outweighed by the material harm to the host building, surrounding area and neighbouring occupiers which I have identified. Moreover, whilst amendments to the scheme have been submitted, these do not affect my findings on the original proposal.
16. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A McCormack

INSPECTOR