
Appeal Decision

Site visit made on 8 July 2019

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2019

Appeal Ref: APP/N5660/D/19/3227597

23 Offerton Road, London SW4 0DJ

- 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 Liam Davies against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 18/05484/FUL, dated 20 December 2018, was refused by notice dated 11 February 2019.
 - The development proposed is the erection of a balustrade and the use of the roof at second floor level as a small terrace.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a balustrade, replacement of the rear window with French doors and the installation of a trellis on the side elevation facing towards 24 Offerton Road to allow the use of the roof at second floor level as a terrace, at 23 Offerton Road, in accordance with the terms of the application, Ref 18/05484/FUL, dated 20 December 2018, 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; Site Location Plan 050, Block Plan 060, Second Floor Plan 160, Rear Elevation 170, Section 01 175, Section 02 180, Detail 190

Procedural Matter

2. For clarity, the development proposed also includes the replacement of the rear window with French doors and the installation of a trellis on the side elevation facing towards 24 Offerton Road. These elements were not included in the original description of development.

Main Issues

3. The main issues are the effect of the proposed development on (i) the character and appearance of the building and the Conservation Area and (ii) the living conditions of surrounding residents with regard to overlooking.

Reasons

Character and appearance

4. The appeal site comprises a four-storey terraced dwelling and is located within the Clapham Conservation Area which is characterised by Victorian terraced dwellings with stucco and stock brick elevations and butterfly roofs. The front elevations remain relatively unaltered and it is the public side of the terraces which have the greatest significance in terms of their architectural detailing and rhythm.
5. The proposed development would be on top of an existing rear extension. The rear elevations of the appeal property and the surrounding buildings form a square with properties on Grafton Square, Liston Road and Fitzwilliam Road. The resulting square area is made up of rear gardens and contains a number of mature trees. Many of the properties in the surrounding area have undergone alterations and extensions to the rear and therefore the appearance of the rear elevations is not particularly consistent. I noted a number of roof terraces on properties surrounding the appeal site. These have also been referred to by the appellant. Whilst these may not have the benefit of planning permission, I have no evidence that they are actually unlawful, and they are part of the character of the area.
6. The roof terrace comprising the metal balustrade and trellis, would not significantly add to the bulk of the extension as these additional structures would not be solid. Therefore, the extension would remain subordinate to the main dwelling. Whilst some elements of the development may be visible from surrounding gardens and properties, the proposal is of a small scale and simple design which would not create unacceptable visual clutter. In the context of the surrounding extensions and alterations, the proposed development would not look out of place. Furthermore, the trees in the rear gardens would obscure the view of the development from many of the surrounding properties, and there would be almost no views of the development from any public vantage points.
7. I conclude that the proposed development, would not harm the architectural integrity of the host building and it would preserve the character and appearance of the conservation area. In this respect the proposal would comply with Policies Q5, Q11 and Q22 of the Lambeth Local Plan (adopted September 2015) and the design guidance contained within the SPD. These Policies require, amongst other things, that development responds to local distinctiveness and historic character.

Living conditions

8. The proposed development would result in the creation of a roof terrace accessed from the second floor of the property. An existing window would be replaced with a pair of French doors to provide access. The terrace would not project any further from the property than the existing rear building line and a trellis similar to the existing trellis on the boundary with 22 Offerton Road is proposed towards the boundary with 24 Offerton Road.
9. The development would no doubt facilitate a greater range of views that are not currently available. These would be towards the rear gardens, primarily of properties either side of the appeal site. This situation is commonplace in urban

environments, although generally it is from upper floor windows. Nevertheless, mutual views into rear gardens is a prevalent feature of such an environment. Due to the position and height of the proposed trellis, combined with the limited depth of the terrace, views directly through the windows of the residential properties either side would be extremely limited or not possible. The proposal therefore would not cause unacceptable harm to privacy. Unlike the brick enclosure to the terrace at the adjacent property, some views through the balustrade may be possible whilst sitting, however this would be partially obscured and will not cause unreasonable harm to living conditions.

10. I therefore conclude that the proposed development would not have an unacceptable effect on the living conditions of surrounding residential properties with regard to overlooking and privacy. The development is therefore in accordance with Policy Q2 of the Lambeth Local Plan (adopted September 2015) that seeks to support development that, amongst other things, avoids unacceptable levels of overlooking (or perceived overlooking).

Other Matters

11. I note objection to the original application on the grounds that granting this application would set a dangerous precedent for high level outdoor terrace accommodation. The Council have also suggested that the existence of similar roof terraces cannot be used as a precedent as they do not appear to be lawful. I have considered the argument. Each application and appeal must be determined on its individual merits. The roof terraces that are in the area have been noted but are not one of the main reasons for allowing the appeal.
12. It is also raised that noise and nuisance is of concern. It is considered that the size of the terrace and the domestic nature of the use by a sole dwelling is unlikely to lead to unacceptable levels of noise or nuisance.

Conclusion and Conditions

13. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.
14. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty and in order to protect the character and appearance of the dwelling and the Conservation Area.
15. The Council requested a condition be imposed requiring that the materials to be used shall match those used in the existing building. The proposed materials do not match those of the existing building, and whilst they are found to be acceptable, a condition requiring them to match those of the existing building is therefore not necessary.

A M Nilsson

INSPECTOR