
Appeal Decision

Site visit made on 25 June 2019

by David Storrie DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2019

Appeal Ref: APP/N5660/D/19/3228096

12 Methley Street, London, SE11 4AJ

- 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 Evan Davis against the decision of the London Borough of Lambeth.
 - The application Ref 18/04540/FUL, dated 23 October 2018, was refused by notice dated 14 February 2019.
 - The development proposed is the installation of steel handrail around the flat roof of the existing rear extension and replacement of existing window with a door to the rear for access.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of steel handrail around the flat roof of the existing rear extension and replacement of existing window with a door to the rear for access at 12 Methley Street, London, SE11 4AJ in accordance with the terms of the application, Ref 18/04540/FUL, dated 23 October 2018, and the plans submitted with it.

Preliminary matter

2. The proposed development has already been carried out. I have taken the description of the development from the decision notice as this more succinctly describes the proposal.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the host dwelling and the Kennington Conservation Area (CA) and the effect on the living conditions of occupiers of neighbouring properties having particular regard to overlooking.

Reasons

Character and appearance

4. The appeal site is a two storey Venetian Gothic style property which forms part of the terrace located within the CA. I consider that the character, appearance and significance of this part of the CA is mainly drawn from the quality of the architecture presented to the front elevation of the terraces where there is clear uniformity in scale, design and materials.

5. An approved rear extension has been constructed to the property with a large rooflight and timber decking forming the roof. The appeal proposal is for a steel handrail around the roof and the insertion of a door to replace the approved window to facilitate access to the roof area that the appellant has said would be for maintenance purposes only.
6. The rooflight takes up a large proportion of the roof area and provides light to the room below. It is set flat in the roof. Given the height of the rear extension and split ground levels gaining access would be difficult and unsafe. The Council suggest a clip on 'man safe' system would be more appropriate. I have been provided with no details of this or how it would be secured to the roof and how the roof would be accessed to secure it. I therefore give it limited weight in my considerations. The railings proposed are in a scale, form and style that matches the approved railings to the steps that provide rear access to the approved rear extension and would therefore be sympathetic to approved features on the property.
7. I have identified the uniformity of the front elevations of the terrace in the CA, but the same cannot be said for the rear elevations. The rear elevation is not in public view and, through a variety of additions and changes made to neighbouring properties at Nos.14 and 16 Methley Street, that I saw at the time of my site visit, it presents a less uniform appearance. These additions included the use of flat roofed projections as sitting out areas with a variety of boundaries including timber and heavy-duty sails. I also saw that they were accessed by doors. The Council say that these additions are unauthorised but appear to have been carried out some time ago such that they are now immune from any enforcement action. That may well be the case, but I have been provided with no information from either party to prove this in respect of Nos. 14 and 16. Nevertheless, the changes I have identified were evident and form part of the character and appearance of the CA.
8. The appellant has also referred to a planning permission at No.24 Methley Street for 'Replacement of existing upper ground floor rear kitchen window with white painted timber sliding/folding doors and installation of a balconette with railings to upper ground floor of maisonette' following application 05/00892/FUL on 3rd June 2005 and a planning and listed building consent that was granted for 'Erection of a single storey rear extension at first floor level, replacement of existing rear bay window at lower ground floor level, replacement of balustrade to upper ground floor level terrace, and alterations to windows and doors to the rear elevation. Internal alterations to include the reconfiguration of room layouts involving the removal and insertion of partition walls and doors' following applications 11/01228/FUL and 11/01229/LB with condition 5 (drawings of the railings) approved following application ref 12/03938/DET at no. 9 Cleaver Square, a listed building to the rear of the appeal site which permitted the use of iron railings. These decisions show that railings and doors to access roof areas have been permitted in the CA.
9. Whilst such features were not historically common on properties of this type and form, it is evident that, through the passage of time and the needs of occupiers, that rear extensions have been built where flat roofed areas have been used as amenity areas, some with the benefit of planning permission, that form the character and appearance of this part of the CA.

10. The statutory duty of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. Given the existing character to the rear of the appeal property that I have identified above, I consider that the proposal would not have a negative effect on the significance of the CA, a designated heritage asset. Taking all the above factors into account, I consider that the proposal would not adversely affect, but would preserve the character and appearance of the host dwelling and the CA. It would satisfy the requirements of policies Q5, Q11 and Q22 of the Lambeth Local Plan (2015) (LP), the guidance provided within the Building Alterations and Extensions SPD (2015) and the Kennington Conservation Area Statement (2012) that, amongst other things, seek to ensure that new development reflects the materials and architectural detailing of existing development, and preserve or enhance the character or appearance of the CA.

Living conditions

11. The second reason for refusal relates to concern about the use of the flat roof as a roof terrace that could represent an un-neighbourly form of development that would increase a sense of overlooking of neighbouring gardens. Views across neighbouring properties are evident from the roof space but are somewhat diminished by tree and shrub planting within gardens. That said, the proposed development is for a doorway to provide safe access to the flat roof for maintenance purposes only and a steel handrail to protect users of the space during maintenance. The appellant has not applied for use of the space as a roof terrace. Given the intended use I consider that activity on the roof space would be infrequent during cleaning of the rooflight or maintenance such that any sense of overlooking of neighbouring properties would be diminished.
12. For the above reason I am satisfied that the proposed development would not give rise to an unacceptable effect on the living conditions of occupiers of neighbouring properties having particular regard to overlooking. It would not conflict with LP policy Q2 that, amongst other things, seeks to ensure that acceptable standards of privacy are provided.

Conclusion and conditions

13. The Council has suggested a planning condition that restricts use of the roof as a balcony/roof terrace. However, that is not what has been applied for. The proposed development is simply for a handrail. The suggested planning condition does not relate to the development as proposed and would not meet the tests for planning conditions as outlined in paragraph 55 of the National Planning Policy Framework. Given that the development has been implemented, no conditions are necessary.
14. Taking all the above into account, I am satisfied that the proposed development would not harm the character or appearance of the CA or unduly harm the living conditions of occupiers of neighbouring properties by way of unacceptable overlooking.
15. For the above reasons I allow the appeal.

David Storrie

INSPECTOR