



Appeal Decision

Site visit made on 7 October 2019

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2019

Appeal Ref: APP/N5660/D/19/3235616
149 Rosendale Road, London SE21 8HE

- 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 Alex Southby against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/01522/FUL, dated 25 April 2019, was refused by notice dated 20 June 2019.
 - The development proposed is “the replacement of existing ground floor rear projections with a new single storey rear extension, the replacement of the existing single-glazed windows to the front elevation with new, traditional style, double-glazed units, and all associated internal works to a single-family dwelling within the Rosendale Road Conservation Area (CA47)”.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed extension would preserve or enhance the character and appearance of the Rosendale Road Conservation Area (CA).

Reasons

3. The site, the subject of this appeal, is a semi-detached dwelling. The dwelling is a two-storey villa style Victorian property. It includes ornate brick and stone detailing and a two-storey front bay. The rear elevation is less ornate and contains a two-storey return, incorporating three levels, and which accommodates bathrooms at first and second floor. A lean-to side extension and conservatory create an extended rear building line, aligning with the return. The dwelling makes a positive contribution to the character and appearance of the CA.
4. Policy Q11 of the Lambeth Local Plan 2015 (LP) considers extensions to heritage assets. Paragraph ‘e’ of this policy requires infill extensions to be single storey, be glazed and be of contrasting material and be set back from the corner of the main return. Furthermore, the Council’s Design Guidance¹ explains that rear extensions should be subordinate. Figure 5 of the guidance sets out appropriate forms of extension for heritage assets. The scheme proposes to demolish the conservatory and lean-to. The proposal would project out from the main rear wall with a contemporary extension. Materials would

¹ Building Alterations & Extensions- Supplementary Planning Guidance 2015

consist of London stock brick and large glazed areas. In footprint terms the proposed extension would wrap around the existing return.

5. The National Planning Policy Framework (The Framework) considers the impact of a proposal on the significance of a designated heritage asset. It requires that great weight is to be given to an asset's conservation². Furthermore, the statutory requirements³ entail that special attention be paid to the desirability of preserving or enhancing the character and appearance of the CA. The significance of the CA derives from the group value creating a unified entity and being a good example of late Victorian development. Many of the dwellings have decorative detailing including brick band courses, decorative ridge tiles and decorative bargeboards⁴. Rear gardens and rear elevations of properties also make a positive contribution towards the character and appearance of the area.
6. The proposal would be the same width as the existing dwelling. It would also project well beyond the established rear building line. Although it would be a similar depth and be lower than the rear extension of 151 Rosendale Road (No 151), it would be wider. The rear elevation would mostly consist of glass. This would prevent the elevation from relating to established design features of the first and second floor. Furthermore, the proposal would not be subservient to the main building. It would therefore represent a bulky and incongruous addition. Although the design is simple and modern, it would engulf the return with a wide and deep extension. Its scale and general design would therefore harm the character of the dwelling. As such, the proposal would be harmful to the character and appearance of the CA.
7. The harm to the conservation area would be 'less than substantial' affecting only its immediate surroundings. Paragraph 196 of the Framework sets out the need to address 'less than substantial harm' in a balanced manner against any public benefits associated with such schemes. The proposal would provide an improved living arrangement, improvements to internal level changes and improved accessibility to the garden. However, in so much as being private benefits rather than public benefits these would be insufficient to outweigh the identified harm to the character and appearance of the Rosendale Road CA.
8. Accordingly, the proposal would not accord with policies Q5, Q8, Q11 and Q22 of the LP, which require development to sustain local distinctiveness, resist poor design, positively respond to the original architecture and which would preserve and enhance the character of the CA. Furthermore, the proposal would be contrary to the Framework which seeks to sustain and enhance the significance of heritage assets.

Other matters

9. The appellant's Design and Access Statement⁵ refers to a number of properties within the CA that have gained planning permission for rear extensions. These include various properties on Rosendale Road, Dalmore Road, Carson Road and Eastmearn Road. Rear extensions for 25 and 27 Dalmore Road, were approved in 2015 and 2014 respectively. However, No 25 had only a single-storey rear return and its proposal included a range of design measures that added variety

² National Planning Policy Framework. Paragraph 193

³ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

⁴ Rosendale Road Conservation Area – Character Appraisal (extract 1995 designation report)

⁵ Appellant's Design and Access Statement, Studio 30 April 2019

to the rear elevation. Furthermore, although the extension at No 27 is similar in scale to the proposal, the decision pre-dated the adoption of the current Development Plan. It also included several design elements that add interest to the scheme. In 2018, No 31 Dalmore Road gained consent⁶ for a rear extension that would wrap around a two-storey return. However, the rear elevation of that property already included a large and deep rear extension that would have provided a context for positive consideration of that proposal.

10. Further examples, referred to by the appellant, appear to have been approved in a different context. I am therefore unable to make any meaningful comparisons. Generally, examples referred to by the appellant pre-date the adoption of the current Local Plan and design guidance. Consequently, although each case must be considered on its own merits, there is nevertheless limited evidence to illustrate a consistent approach to decision making that weights in favour of the appeal. Conversely, the Council has illustrated that there is recent meaningful effort to achieve a reasonable balance between modernisation and preservation. This is evidenced by the recent approval of development at 146 Rosendale Road⁷.
11. The proposed demolition of the low-quality conservatory would be of some benefit to the character of the dwelling. However, this is of limited weight in comparison to the harm I have identified by the proposal to the character and appearance of the CA.
12. The appellant has referred to his Permitted Development Rights. It is not in evidence that these Rights have been established by a Certificate of Lawfulness. This therefore does not represent a meaningful fall-back position. In any event, the nature of the rear extension described would be smaller and consequently less harmful to the heritage asset than that proposed.
13. The proposal would not affect the living conditions of occupiers of adjacent dwellings, however this would only convey a neutral contribution in favour of the planning balance.

Conclusion

14. For the above reasons, the appeal is dismissed.

Ben Plenty

INSPECTOR

⁶ Planning Application Reference: 18/04258/FUL

⁷ Planning Application References: 17/06113/FUL and 18/03645/FUL