



Appeal Decision

Site visit made on 1 October 2019

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2019

Appeal Ref: APP/N5660/D/19/3232517

2 St. Mary's Gardens, London SE11 4UD

- 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 Mark Turner against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/00630/FUL, dated 18 February 2019, was refused by notice dated 15 April 2019.
 - The development proposed is a single storey ground floor side infill extension with raised rooflight, together with alterations to the existing rear extension including the replacement of the existing roof finish with natural slate and the installation of a new conservation type rooflight.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey ground floor side infill extension with raised rooflight, together with alterations to the existing rear extension including the replacement of the existing roof finish with natural slate and the installation of a new conservation type rooflight at 2 St. Mary's Gardens, London SE11 4UD in accordance with the terms of the application, Ref 19/00630/FUL, dated 18 February 2019, 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: MGPR01 (Rev.A), MGPR02 (Rev.A), MGPR03 (Rev.A), MGPR04 (Rev.A) and MGPR05 (Rev.A).
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials described in the planning application form and shown on plan nos. MGPR01 (Rev.A) and MGPR02 (Rev.A).

Procedural Matters

2. The description of development used in the banner heading above is taken from the appeal form as it is more concise than that used on the planning application form.
3. The appellant submitted amended plans with their appeal statement. These plans include a reduction in the amount of rooflights and a lower raised rooflight adjacent to the main rear wall of the dwelling.

4. The 'Procedural Guide – Planning Appeals – England' advises that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application (Annexe M.1.1). If an appeal is made, the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought (Annexe M.2.1).
5. Notwithstanding that, in deciding whether to accept these revised plans, I have given consideration to the 'Wheatcroft Principles' (Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]) and whether any prejudice would occur. In this case I consider that given that the revised plans only seek to reduce the amount of rooflights and the height of the raised rooflight I am satisfied that no prejudice would occur should I accept these plans. With that in mind, I have therefore determined the appeal on the basis of the revised plans.
6. I have also given consideration to the previous appeal decision¹ at this site. However, given that the two schemes differ in terms of their impacts, I have determined this appeal on its individual merits.

Main Issue

7. The main issue is the effect of the proposed development on the character and appearance of the host building and the Walcot Conservation Area.

Reasons

8. The appeal site is within the Walcot Conservation Area (the Conservation Area), and I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As heritage assets are irreplaceable, the National Planning Policy Framework (the Framework) states that they should be conserved in a manner appropriate to their significance (paragraph 184). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 194) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 196).
9. The Conservation Area's significance lies in it being one of the most intact and architecturally coherent areas of late 18th and early to mid-19th century development in Lambeth. Rear elevations, including returns, are an integral part of the character of the Conservation Area, and the consistency of their design makes a positive contribution to its character.
10. The appeal property itself is a three-storey mid terrace house, part of a group of four which the 2016 Walcot Square Conservation Area Draft Character Appraisal (WSCACA) identifies as making a positive contribution to the Area. It has a single storey rear return which is in two distinct but linked parts sharing a single pitched roof. The part nearer the main house contains a dining room, while the outer part, approximately 0.5 m narrower, contains the kitchen.
11. The proposed development would infill much of the space at the side of the existing return, and would involve the remodelling of its interior to create a single enlarged kitchen and dining area. The Council's concerns relate to the

¹ Reference APP/N5660/D/18/3196962

- depth and form of the extension together with the raised rooflight and the amount of rooflights to be inserted in the existing single storey rear projection.
12. Policy Q11 of the 2015 Lambeth Local Plan (the LLP) sets out, amongst other matters, that infill extensions on heritage assets should be set back from the corner of the main return, which paragraph 3.11 of the 2015 Building Alterations and Extensions Supplementary Planning Document (the SPD) explains is to better emphasise their subordination to the existing building. While it is a point of dispute between the appellant and the Council as to how this guidance should be interpreted in this case, from the information before me and from what I saw at the time of my site visit I consider it is sensible that the proposed development should be treated as an infill extension to the host building.
 13. With that in mind, I consider that the extension would be subservient to both the main house and the rear return, not least because it would be set back by around 0.7 m from the end of the existing building. This would retain the strong corner of the existing return, emphasise the more traditional character and appearance of that part of the house, and would respect the existing building line of the appeal property group of four dwellings. Although the small step of the wall between the current kitchen and dining room would be lost, the essential character of the rear return would be retained. The extension's flat roof and glazed rear doors would clearly differentiate it from the existing building. I therefore consider that the depth and scale of the proposed extension would represent an appropriate response to the host building which would not be harmful to the Conservation Area, and that this element of the proposal would comply with the guidance in the SPD.
 14. Turning to the rooflights, it is clear that the scheme determined by the Council would result in a long arrangement of rooflights on the return which would be an incongruous feature when considered in the context of the character of the host building and the wider Area. The extent of the rooflights would be particularly apparent when illuminated after dark, when they would significantly break up the solid traditional appearance of the slate roof. Whilst I accept that views from the public realm would be limited, it would still be visible from both Bishops Terrace and the adjoining residential properties. In addition, the raised rooflight would add to the overall impact, although I consider that this is not a determinative factor on its own.
 15. However, the revised plans submitted with the appellant's appeal statement seek to address this by reducing the amount and size of rooflights in this section of the roof. The SPD and the WSCACA indicate that although rooflights are not generally a historic feature of the area they may be appropriate if small and situated to the rear of properties. To my mind, the reduction in the number of rooflights on the return would reduce the visual impact to such an extent that I consider the proposal would not harm the character of the host property or the Conservation Area.
 16. Finally, the reduced scale of the raised rooflight would minimise its impact on the host dwelling. As such I find that this element of the scheme is also acceptable and would not cause any harm to the Conservation Area.
 17. I therefore consider that the proposal, as amended by the revised plans submitted with the appellant's appeal statement, would not harm the character and appearance of the host property or the Conservation Area. It would accord

with Policies Q5 and Q8 of the LLP which together require development proposals to respond to local context and historic character and to be visually attractive, with Policy Q11 of the LLP which sets out the criteria for extensions, including on matters of design and scale, and with Policy Q22 of the LLP which seeks to ensure that development proposals in Conservation Areas preserve or enhance the historic environment. It would also conform with guidance in the SPD and would accord with the design and heritage aims of the Framework.

Conditions

18. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, and to avoid duplication, I have amended some of the Council's suggested wording.
19. Other than the standard time limit condition, in order to provide certainty it is necessary to ensure that the development is carried out in accordance with the approved plans. In order to protect the character and appearance of the host dwelling and the Area a condition is also required in respect of the external materials of the development. However, it is not necessary for this to be a pre-commencement condition.

Conclusion

20. For the reasons given above, and having taken into account all other relevant matters raised, I conclude that the appeal should be allowed.

M Cryan

Inspector