
Appeal Decision

Site visit made on 17 September 2019

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2019

Appeal Ref: APP/N5660/W/19/3230796

Marlow House, 160 Victoria Rise, London SW4 0NW

- 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 Briggs of Joseph Yates Ltd against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 18/04618/FUL, dated 28 October 2018, was refused by notice dated 8 February 2019.
 - The development proposed is erection of a mansard roof extension to provide 3 additional residential units (2 no. 1 bed and 1 no. 2 bed) together with provision of cycle storage at ground floor level.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I consider the description of development given by the Council on its decision letter to be more precise than that shown on the planning application form and I have therefore used it in my decision.
3. The Council's decision was based on proposed elevations 988/PX/11 (Rev C). Amended drawings (Rev D) have been submitted to address one of the Council's reasons for refusal. The appellant's Statement of Case also includes a third proposed elevation, but no drawings support this. However, the appeal process should not be used to evolve a scheme and it is important that what is considered is essentially what was considered by the local planning authority, and on which interested people's views were sought. Both the amended schemes would deprive those who should have been consulted on the changed development of the opportunity of such consultation. Therefore, I have determined the appeal on the basis of the refused scheme.
4. The Council's decision letter originally showed three reasons for refusal. Reasons 2 and 3 related to the absence of a completed legal agreement designed to ensure obligations relating to affordable housing, parking permits and car club membership. During the course of this appeal, a signed unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 has been supplied, albeit that it is undated and therefore not complete. Nonetheless, this undertaking is uncontested by the Council and, as such, the second and third reasons for refusal have fallen away.

Main Issue

5. The main issue is the effect of the proposed roof extension on the character and appearance of the host building and the Wandsworth Road Conservation Area (WRCA).

Reasons

Character and appearance

6. The appeal site comprises the roof of a three-storey terraced block of flats, with a four-storey corner tower, addressing the main arterial route of Wandsworth Road. The locality of the WRCA relating to the appeal site comprises predominantly 19th century buildings. These are typically three storeys in height, constructed in stock brick, with simple façade adornments, and dual pitched or hidden roofs, with a variety of commercial activities at street level and residential upper floors. The principal elevation of Marlow House, whilst a modern building dating from 1998, reflects the form and articulation of the adjacent traditional terrace at Nos 795-807 Wandsworth Road, and has a neutral effect on the conservation area. The effect of the proposal would be to introduce a mansard roof, with double dormers, alongside the adjacent dual pitched roof.
7. The drawings show the proposal would not exceed the existing ridge height. In terms of the bulk of the proposed mansard roof itself, my observations from the site visit were that the mansard would read visually as being part of the more modern Marlow House, and visually distinct from the traditional dual pitch roofs of Nos 795-807. When seen from the east, the mansard would be backclothed by, and add some visual interest to, the existing blank tower wall. Similarly, the length and bulk of the mansard would be broken up by use of the dividing party wall parapets, taking an architectural cue from Nos 795-807, and providing some rhythm. I do not find harm in these particular regards.
8. Notwithstanding my above findings in terms of bulk and height, Policy Q11 of the Lambeth Local Plan (2015)(LLP) only supports mansards which do not harm the form and design of the building or its group. The Lambeth Building Alterations and Extensions Supplementary Planning Document (September 2015)(SPD) provides detailed guidelines for the form and design of mansard roofs. In this regard, I find the proposed double dormers are overlarge such that they would visually overwhelm the mansard roof and the overall roofline as seen from the street. Although centralised and symmetrical, the proposed dormers would also fail to follow to the existing clearly defined window alignment.
9. Furthermore, the stepping-up of the front parapet would directly contrast with the stepping-down of the existing eaves line of the wider terrace, which naturally follows the gradient of the street. As such, the parapet and dormers would together create a dominating effect that would be to the detriment of the current neutral impact of the building on the WRCA.
10. Reference is made to other mansard roof developments within the wider area. Whilst mansards are not uncommon locally, the circumstances of these cases are different to the current appeal. No 642 Wandsworth Road is of different dormer design, and within a much more varied context than the appeal site. Both Nos 635 and 418 Wandsworth Road pre-date the current policy

framework. Whilst the new hotel building at No 638-640 Wandsworth Road is difficult to miss, it does not lessen the special attention I must pay to the preservation of the WRCA. Furthermore, any negative effects from the hotel would not justify further harmful development and, in any case, I must determine the appeal on its merits.

11. The influence of the four storey dwellings along Victoria Rise is limited, given that the proposal primarily addresses Wandsworth Road. The National Planning Policy Framework (the Framework) offers support for use of airspace above buildings, as well as for brownfield and windfall sites. However, I find that, when assessing the proposal against the Framework as a whole, and with particular regard to the three overarching objectives outlined in Chapter 2, the proposal would result in harm being caused to the environmental objective of protecting the built and historic environment. Similarly, support offered by various general policies in the London Plan and the LLP do not outweigh my findings against the key relevant policies.
12. Overall, I conclude that the proposed roof extension fails to preserve the character and appearance of the host building and the WRCA, contrary to Policies Q5, Q11 and Q22 of the LLLP. Together, these policies require that development is of a high design quality that maintains local distinctiveness and preserves or enhances the character and appearance of conservation areas, amongst other considerations. The proposal also fails to accord with guidance provided within the SPD.
13. Whilst I have found harm to the significance of the WRCA, the level of harm would be less than substantial, in the language of the Framework, as it relates roof changes affecting one building. Under such circumstances, paragraph 196 of the Framework indicates that the harm should be weighed against the public benefits of the proposal. However, the benefits gained from the contribution of three new units to housing supply and payment of an affordable housing contribution are relatively limited. Overall, the benefits are outweighed by the great weight I attach to preserving the character and appearance of the conservation area.

Other matters

14. A unilateral undertaking was provided during the appeal. As the contents of the undertaking are uncontested and I am dismissing the appeal on other substantive grounds, it is not necessary for me to reach a finding on the undertaking in respect of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

Conclusion

15. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Hanna

INSPECTOR