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## Appeal Decision

Site visit made on 19 November 2019

**by K A Taylor MSC URP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: Friday, 29 November 2019**

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**Appeal Ref: APP/N5660/D/19/3236723**

**5 Allnutt Way, London SW4 9RG**

- 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 Kujtim Hasani against the decision of the Council of the London Borough of Lambeth.
  - The application Ref 19/02441/FUL, dated 5 July 2019, was refused by notice dated 28 August 2019.
  - The development as described on the application form is 'retrospective planning application for retention of roof terrace over ground floor extension and addition of obscured glazed panel'.
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### Decision

1. The appeal is dismissed.

### Procedural Issue

2. The roof terrace and railings have been constructed and I am therefore considering the appeal as part retrospective.

### Main Issue

3. The main issue is the effect of the development on the character and appearance of the host building and area.

### Reasons

4. The appeal site is a two-storey mid terrace dwelling located within a predominantly residential area of a mix of residential types including houses and blocks of flats, many of those residential properties have been extended or altered. The terraced properties of which the site forms are of similar appearance in terms of their features, detailing and street pattern all of which positively contribute to the character and appearance of the area.
5. The appeal proposal seeks to retain a roof terrace with timber decking at first floor level positioned over a flat roof ground floor extension and proposes to replace the metal railings with frosted glazed balustrades.
6. Policy Q11(o) of the Lambeth Local Plan (LP), adopted 2015 seeks to resist roof terraces and roof balconies on building types where they are not characteristic of the host building, which is also supported by paragraph 4.30 of the Lambeth Building Alterations & Extensions Supplementary Planning Document (SPD), 2015.

7. The roof terrace is positioned at high level with access from the first floor leading onto the decking and due to the excessive size of its footprint and overall height including the metal railings appears as an overly dominant and incongruous addition to the rear elevation of the mid-terrace building. It impacts negatively on the host building and wider group of terraces of which there is no built development at first floor level.
8. The appellant states that the roof terrace would be out of public view. I would disagree as I saw on my site visit the roof terrace can be clearly seen from street level along Tableer Avenue. It is therefore within sight of public views and due to its size, projection and siting at the first floor is unduly dominant in appearance, does not appear subservient and is a prominent addition to the detriment of the character of the host property, wider terraced row and the positive visual outlook from along this road.
9. The development proposes to introduce frosted glazed balustrades around the roof terrace to replace the metal railings, although they would be of similar height it would further exacerbate the situation with the roof terrace resulting in excessive amounts of glazing of a stark appearance. The glazing would appear as an alien and discordant feature on the roof terrace to the detriment of the character and appearance of the host building and wider terrace setting along Allnutt Way. I acknowledge there are other juliet balconies and a roof terrace in the nearby area, however I do not have the full circumstances of these and those that I did see did not have glazed balustrades or reflect positively on the character and appearance of the area.
10. For the reasons given above, I conclude that the development causes harm to the character and appearance of the host building and area. It would be contrary to Policies Q5, Q8 and Q11 of the LP, 2015 which taken together seek to resist roof terraces which are out of character and poorly detailed; proposals will only be supported where it is shown that the design of development is a response to positive aspects of the local context in terms of built form, materials and quality and architectural detailing. It would also be at odds with guidance contained within the Councils SPD on roof terraces and balconies.

### **Other Matters**

11. The Council has not raised any concerns regarding the harm to living conditions of neighbouring occupiers with regard to privacy, overlooking or noise and disturbances. I have no reason to disagree with their findings, however this does not justify allowing the development or outweigh the harm I have found to the character and appearance to the host building and area.
12. I acknowledge the appellants' desire to provide an enclosed private area and improve living standards whilst modestly extending their home. However, these matters do not outweigh the concerns I have raised above.

### **Conclusion**

13. Having regard to all matters raised, I conclude that the appeal should be dismissed.

*KA Taylor*

INSPECTOR