



Appeal Decision

Site visit made on 22 October 2019

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2019

Appeal Ref: APP/N5660/W/19/3234993

Flat 2, 71 Kellett Road, London SW2 1EA

- 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 Tomas Fernandez against the decision of London Borough of Lambeth.
 - The application Ref 19/00584/FUL, dated 14 February 2019, was refused by notice dated 12 April 2019.
 - The development proposed is for alterations to the roof of the rear outrigger in connection with its use as a terrace, and the installation of a new roof light in the front roof slope.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) the effect of the proposed development, by virtue of its design and location on the character and appearance of the host property and the immediate area; and
 - (ii) the effect of the proposed development on the living conditions of the occupiers of the neighbouring properties with particular respect to noise, disturbance and outlook.

Reasons

3. The appeal property is a three storey mid-terrace dwelling situated on the northern side of Kellett Road in a residential area. Traditional mono-pitched roofed outriggers are situated to the rear elevation of these terraced properties. These outriggers lie perpendicular to the main pitched roof and are set below the eaves of the main buildings.
4. This property has previously been converted into two separate flats; this appeal concerns Flat 2. The dwelling is split level consisting of the second floor and a loft conversion with dormer window to the rear and a single rooflight to the front.
5. The proposal would result in the construction of a roof terrace with an opaque glass balustrade on the existing rear outrigger. Access to the terrace would be from a new door off the half landing, between the second floor and the loft level. The proposal would also include the installation of a small additional rooflight to the front roof.

Character and Appearance

6. This development would involve removal of most of the mono-pitched rear roof and its replacement with a flat roof to enable the proposed terrace. These mono-pitched roofs on the outriggers are an important and strong architectural feature, that is characteristic of this and the adjacent terrace.
7. This proposal would therefore erode the uniformity of this characteristic roofscape on these properties and set an unacceptable precedent. Additionally, the modern glass balustrade would be incongruous with the local setting. While the formation of the new doorway to the roof terrace, which would require the partial loss of the eaves to the main roof, would exacerbate this unacceptable change in appearance. Furthermore, there is a clear sense of balance and symmetry between Nos 71 and 73 Kellett Road, which would be lost due to this proposal.
8. Consequently, this development fails to respect the character and appearance of the host building and the terraced row of which it is part. The proposal would be contrary to Policies Q2, Q5, Q8 and Q11 of the Local Plan¹ and Building Alterations and Extensions Supplementary Planning Document (SPD)². Together these policies require that development does not cause a visual impact on the public realm and respects local character and distinctiveness.
9. I note the Council's objections with regard to the proposed rooflight in that it would result in visual clutter on the elevation. However, minor reconfiguration of the rooflights could be satisfactorily achieved by an appropriately worded condition to satisfy Q2 and Q11 of the Lambeth Local Plan and the SPD.

Living Conditions

10. It was evident from my site visit that the outdoor spaces to the rear of these terraces are well used for leisure purposes. This would be the only roof terrace in the immediate vicinity and its elevated position, projecting out into the terrace, would allow sound to easily carry around the rear terraces of Kellett Road and Saltoun Road. At this height and in this enclosed and confined area, even normal leisure activities would cause some noise and consequential disturbance to the occupiers of the neighbouring properties.
11. The outlook from the first and second floor, rear elevation windows of No 69 Kellett Road, would be partially obscured for the occupiers. This would be due to the proposed balustrade (approximately 1.7m high), which would cover almost the entire length of the existing outrigger. Although the balustrade is opaque glass, it would still obstruct the outlook for the occupants of No 69.
12. Therefore, the roof terrace would detrimentally affect the living conditions of the occupiers of the adjacent properties, in terms of an unacceptable increase in noise disturbance that would arise. The proposal would also harm the outlook for the occupiers of No 69 Kellett Road. This would be contrary to Policy Q2 of the Local Plan, which supports development which provides adequate outlook and does not cause unacceptable noise disturbance.

Other Matters

13. I have taken into account representations about loss of light and privacy which,

¹ Lambeth Local Plan, Adopted September 2015.

² Lambeth, Building Alteration & Extensions Supplementary Planning Document (SPD), September 2015.

even if I were to find in favour of them, would not change my other findings on the main issues.

14. The appellant has raised the issue that the Council did not work with them in a positive and proactive manner. This is an issue I can give little consideration to and remains a matter between the appellant and the Council. Therefore, it has not been determinative in my consideration of the proposal.
15. The appellant has also stated they would be prepared to reduce the size of the terrace by 1.5m, should this enable planning permission to be granted. However, this has not been subject to formal consultation and if I were to accept such a change it may prejudice interested parties from being able to comment on it. I have not seen any amended plans to this effect in any case. Consequently, it does not alter my decision on the appeal.
16. Other examples of developments have been brought to my attention which the appellant considers sets a precedent for the local area in favour of the appeal scheme. However, it was apparent that there were no second-floor roof terraces visible, in the immediate vicinity of the appeal property on Kellett Road. It is evident from the information submitted by the appellant that there are roof terraces on Saltoun Road, which runs parallel with Kellett Road. However, I have not been advised as to whether these have the benefit of planning permission.
17. Reference is also made by the appellant to three other developments on Kellett Road, which have previously been granted planning approval. I am not aware of the particular circumstances of these cases. Nevertheless, it is apparent that these developments were not within the same terraced block as No 71. Furthermore, they were smaller in scale and materially different in design. In any event, I have considered the appeal scheme on its own merits and the existence of other roof terraces in the locality would not be sufficient to justify the harm that the one before me would cause.

Conclusion

18. For the reasons detailed above I conclude the appeal should be dismissed.

D Hilton-Brown

INSPECTOR