



Appeal Decision

Site visit made on 10 December 2019

by Jonathon Parsons MSc BSc DipTP (Cert Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd January 2020

Appeal Ref: APP/N5660/W/19/3238308

Upper Flat, 84 Ferndale Road, Clapham SW4 7SE

- 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 & Mrs I Nicholson against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/00102/FUL, dated 10 January 2019, was refused by notice dated 11 April 2019.
 - The development proposed is "raise the rear pitched roof of upper flat to form a mansard (as per London Borough of Lambeth's SPD (Sept 2015)) and form one bedroom and shower room. Extend rear outshoot upwards to form utility room.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Alternative elevation plans have been submitted showing a lower flat roofed extension above the existing rear outrigger (outshoot) which will be considered in this decision. The application declaration section has not been completed and the date used above in the header is taken from the Council's decision.

Main Issues

3. The main issues are (a) whether the proposal would preserve or enhance the character or the appearance of the Ferndale Road (Jennings Estate) Conservation Area and (b) the effect of the proposal on the living conditions of the occupiers of 82 and 86 Ferndale Road, having regard to outlook, daylight and privacy.

Reasons

Character and appearance

4. The appeal site comprises a three storey Victorian house in a long terraced street which was built by George Jennings using his own range of brick and terracotta products. This terrace, along with that opposite, are located within the Ferndale Road (Jennings Estate) Conservation Area. Within it, frontage elevations are particularly attractive with recessed entrances, windows and bays set within decorative surrounds, including moulded architraves and cills with paired brackets. In addition, some of the eaves to the dwellings are perforated and include decorative brackets.

5. To the rear, there are rear roof extensions, including the dormers indicated a property east of 86 Ferndale Road but the rear roof slopes of the terrace as a whole are largely unbroken in original profile. The original outriggers either side of the appeal property, 84 Ferndale Road have also been altered or replaced but looking again at the rear as a whole, these outriggers largely remain. These rear outriggers are quite noticeable in generally spanning half a width of each dwelling with a mono-pitched roof which are repeated across the terrace, either in isolation or combined with neighbouring outriggers. The outriggers and rear facades have windows with the decorative surrounds like the frontages.
6. The rear elevations are not as attractive or as uniform as the frontages, but for the reasons indicated above, they still contribute to an older traditional residential character and appearance within the area. As a result, the Conservation Area has historical, aesthetic and architectural qualities, which are of significance and value, and are of special interest to the Conservation Area as a whole. The appeal dwelling, including its rear, contributes positively to the character and appearance of the Conservation Area through the retention of most of its original historic and architectural form.
7. Paragraph 4.20 of the Council's Building Alterations and Extensions Supplementary Planning Document (SPD) 2015 states that rear mansards are not considered appropriate for heritage assets, such as Conservation Areas. The proposed roof extension would not be below the roof ridge or set in from the roof eaves or flank of the building. As a result, the rear roof would not be the dominant element in the composition and the extension would not be subordinate. Furthermore, the window would be of a different design to other existing windows and would be significantly out of alignment with those below. Consequently, it would appear markedly out of place with the host building and the terrace, where existing roof forms are largely retained. Even in comparison with the dormers to the east of No 86, it would appear more dominant and bulkier, because of its greater extent and spread across the roof of the appeal property.
8. The raising of the outrigger's roof would result in the removal of the existing mono-pitch roof and the addition of a second floor window with its top element close to the extension eaves. The square flat-roofed shape of the extension would markedly interrupt the established rhythm of two storey outriggers to the rear of the terrace. The upward extension of it would also result in a tall, dominant and discordant feature. The alternative plans show a lower two storey element with an improved designed window but the square flat-roofed shape would still remain. Consequently, it would still result in a discordant feature with the flat-roof jarring with the traditional pitched roofs of outriggers.
9. In the allowed appeal for rear single storey extension at No 84, the Inspector indicated that the significance of the Conservation Area derived from the architectural uniformity of the imposing front elevations of the three storey Victorian terraced housing. It was further indicated that the variety of extensions has resulted in no uniformity to the rear elevations of this terrace to observe.
10. On my site visit, the qualities of the rear of the terrace was assessed from the garden of the lower flat at No 84 and from Tintern Street to the side of 120 Ferndale Road. Within the appellant's Statement of Case, the aerial

photograph of the street was also taken into account. Based on this, there is a variety of extensions to the rear but many of the extensions and alterations are single storey at ground floor level. The original outrigger forms and unaltered roofs of terrace remain predominately which are part of the architectural, aesthetic and historic qualities of the Conservation Area.

11. Such a view coincides with the evidence of the Council who have detailed only a small number of extended rear outriggers and that the rear roofs are largely unbroken, with the absence of roof extensions, to the rear of the terrace. In its context appraisal of the Conservation Area, the appellant drew attention to a number of extensions and alterations to the rear of properties on both sides of Ferndale Road. Similarly, they do not form a significant proportion of the properties on both sides of the streets. As identified in Policy Q11 of the Lambeth Local Plan (LP) 2015, rear outriggers are also characteristic of many 19th Century buildings in Lambeth.
12. Therefore, I have taken a different view on the significance of rear elevation of the terrace compared to the previous Inspector on the basis of the evidence before me. There are limited public views of the proposed extensions, but they would be seen by the occupiers of neighbouring properties. Furthermore, the lack of public visibility is not an overriding consideration as Conservation Areas are an irreplaceable resource, and should be enjoyed in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. For all these reasons, the proposal would adversely affect the character and appearance of the Conservation Area.
13. The National Planning Policy Framework (the Framework) makes clear, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
14. In accordance with the Framework, the type of harm identified above would be less than substantial. It is necessary that this identified harm is weighed against the public benefits of the proposal. In this regard, the proposal would upgrade existing accommodation to accommodate modern family needs for existing and future generations. However, the benefits would be diminished by reason of the proposal being small-scale relating to an existing single dwelling. They also have to be weighed against the adverse impact on the significance of the Conservation Area for which considerable importance and weight is required to be attached. Thus, the harm to the significance of the Conservation Area would outweigh the scheme's benefits.
15. For all these reasons, the development would fail to preserve the character and appearance of the Conservation Area. Accordingly, the proposal would be contrary to the policies Q5, Q11 and Q22 of the LP. For the reasons indicated, the proposal would be contrary to the guidance of the SPD.

Living conditions

16. The outrigger's extension would be alongside first and second floor windows of the neighbouring dwelling at 82 Ferndale Road. However, the outlook from the

first floor would not be significantly changed because the existing flank already adjoins the window here. At the upper floor, the extension would extend alongside and up to a point midway up the second floor window. By virtue of this, occupiers would not be faced with an oppressive elevation. In relation to 86 Ferndale Road, the windows would be a significant distance away. Therefore, there would be no undue sense of enclosure for neighbours.

17. The rear elevation of No 84 faces north and already has a two storey outrigger. There, there would be no adverse loss of sunlight to either of the neighbouring properties. In terms of daylight, there would still be significant areas outside of the extended parts of building which would allow adequate light into surrounding properties. There would be a first floor flank window serving a WC but this could be obscure glazed by condition. The remaining windows would mainly face the rear of the appeal property and therefore, any views to neighbouring properties would be oblique.
18. For all these reasons, the living conditions of the occupiers of neighbouring properties, having regard to daylight, outlook and privacy, would not be harmed and the proposal would comply with policy Q2 of the LP.

Conclusion

19. The proposal would not harm the living conditions of the occupiers of the neighbouring property but there would be permanent and long-standing harm to the character and appearance of the Conservation Area. Consequently, the proposal would be contrary to the development plan, as a whole. There are no considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and therefore planning permission should be refused.
20. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR