



Appeal Decision

Site visit made on 2 January 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 4 February 2020

Appeal Ref: APP/N5660/W/19/3239355
46 Sandmere Road, London, SW4 7QJ

- 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 K Nassar against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/01563/FUL, dated 29 April 2019, was refused by notice dated 15 July 2019.
 - The development proposed is 'erection of screen to enclose roof terrace'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effects of the proposal on:
 - The appearance of the host building and the visual amenity of the area;
 - The living conditions of the neighbours, particularly in terms of privacy.

Reasons

Appearance

3. The property is a three-storey townhouse with a roof conversion in the middle of a Victorian terrace. The rear flat roof above the second floor can be accessed from the converted roof space and is currently designed to be a balcony, with decking floor surrounded by low metal railings. Previous approval has been given for a 1.7 m obscure glazed balustrade fence. The balcony is a high vantage point from which numerous rear gardens on Sandmere Road, and rear elevations and gardens on Ferndale Road opposite can be seen, although this view is partly obscured by the mature vegetation in the area between the terraces. Boundary treatments at lower elevations are a combination of timber fencing and mature vegetation.
4. There is a balcony at an identical elevation next door (No 44), surrounded by a painted timber picket fence, which although a maximum of approximately 1.8 m high, is undulating, reducing the height to about 1 m in places. The backs of many of the properties in the area appear to have been modified, including occasional balconies at differing elevations. During the site visit, two additional balconies at the same elevation were observed nearby, both surrounded by high (estimated to be about 2 m) horizontal timber fences with

a small degree of gapping between panels. Given its ubiquitous use for boundaries, I consider timber fencing characteristic of the area.

5. The proposal is to attach a close board timber screen to the existing metal frame. Policy Q2 of the Lambeth Local Plan (adopted September 2015) requires that visual amenity is not unacceptably compromised by development and Lambeth's Supplementary Planning Document on building alterations and extensions, 2015 (SPD), recommends that timber be resisted around balconies because it is susceptible to differential decay and would therefore harm the visual amenity of the area. I do not consider that timber will be significantly more problematic to maintain than other materials given the high elevation of the balcony. There is tension between Policy Q2 and the SPD in this case because of the characteristic use of timber in the area. I have given greater weight to the requirements of Policy Q2 than the guidance and conclude that use of timber would not unacceptably compromise the visual amenity of the area, even at this high and visible elevation.
6. However, proposals comprise a close board timber fence, with a straight edge on both sides, which would appear bulky and unattractive to the amenity space below. Causing harm to the visual amenity of the area is in conflict with Policy Q2 and the unsympathetic design conflicts with Policy Q11, which states that development should positively respond to the existing form and architecture.

Privacy

7. The fence would be 1.5 m high on the side elevation and 1.1 m at the rear. A 1.1 m high fence would enable direct overlooking of the private amenity spaces below, causing an unacceptable loss of privacy, to the detriment of living conditions of the occupiers of neighbouring properties. Furthermore, although the difference between a 1.5 m timber screen and the approved 1.7 m high screen is small, the potential for direct overlooking of a 1.7m screen is significantly less, to the extent that the 1.5m structure would be likely to cause actual and perceived loss of privacy sufficient to adversely affect the living conditions of neighbours. I consider that the proposal conflicts with Local Plan Policy Q2 in this respect.

Conclusions

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

B Davies

INSPECTOR