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## Appeal Decision

Site visit made on 7 January 2020

**by A M Nilsson BA (Hons) DipTP MRTPI**

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

**Decision date: 5 February 2020**

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**Appeal Ref: APP/N5660/W/19/3237943**

**121 and 123 Abbeville Road, London SW4 9JL**

- 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 Holliday against the decision of the Council of the London Borough of Lambeth.
  - The application Ref 19/01697/FUL, dated 18 February 2019, was refused by notice dated 5 July 2019.
  - The development proposed is erection of a second-floor rear extension with the enlargement and replacement of first floor rear windows at the outriggers.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I have taken the description of development from the Council's Decision Notice as this is a more precise description of the development proposed.
3. I have taken the site address from the Council's Decision Notice as the proposed development relates to two properties.

### Main Issues

4. The main issues are the effect of the proposed development on 1) the character and appearance of the host properties and the surrounding area, and 2) the living conditions of the occupiers of neighbouring properties with regard to light.

### Reasons

#### *Character and appearance*

5. The appeal site comprises two terraced properties. Both properties are two storeys with three-storey outrigger extensions. Due to an internal level change, both outrigger extensions are able to sit beneath the ridge of the roof over the main body of the properties. These outrigger extensions are a distinctive characteristic of the properties on this terrace and indeed in the wider area. Many of the properties in the terrace have rear extensions projecting from the outriggers at the ground and first floor level, however none appear to have been extended at the second-floor level.
6. The appeal proposal would extend the second-floor level of the outriggers rearwards so that it would align with the projection of the first-floor element. On this terrace, which encompasses 93 to 171 Abbeville Road, all of the

properties have rear outrigger extensions that project almost the same length from the main body of the house at second floor level. This creates a harmonious and pleasant roofscape and rear building line at the second-floor level. The proposal would harmfully depart from this strong characteristic. The result would be that the appeal properties would be the only properties altered in this way on this section of the terrace. The extensions, due to their siting and massing, would appear prominent, irregular and incongruous when taken together with the other properties. The effect of drawing the outrigger further out from the main body of the dwelling overly elongates this feature of the properties. It would overly dominant to the dwellings than the existing outrigger.

7. Whilst each application and appeal must be treated on its individual merits, allowing the appeal could be used in support of such similar schemes on this terrace of properties. I consider that this is not a generalised fear of precedent, but a realistic and specific concern given the shared characteristics with similar properties on the terrace. Allowing this appeal would make it more difficult to resist further planning applications for similar developments, and I consider that their cumulative effect would contribute to an overall harm to the wider area, eroding this special characteristic which I have described above.
8. In support of the appeal, my attention was drawn to other properties in the area that have been extended in a similar manner to that now proposed. These are very much in the minority with different circumstances in each case to that of the current appeal.
9. In the first example at 43 Rodenhurst Road, the development was allowed at appeal. This is a semi-detached property and I find the circumstances to be quite different to the current proposal. At 25 Lydon Road, that was also allowed at appeal, the proposal is of a different nature whereby the second-floor extension is set back from the rest of the outrigger. It is also within a different context to the current appeal site. At 21 and 25 Crescent Lane there appears to be less uniformity of the rear elevations than that on the terrace on which the appeal properties are located. Similarly, at 87, 89 and 91 Elms Crescent there appears to be less uniformity to the rear elevations and some of the examples serve to confirm the harm that can be caused from such alterations. Whilst I have considered these examples, I have determined the appeal proposal on its own individual planning merits.
10. I therefore find that the proposed development would have a harmful effect on the character and appearance of the host property and the surrounding area. It would be contrary to Policies Q5 and Q11 of the Lambeth Local Plan (2015) which seek to ensure, amongst other things, that; local distinctiveness of Lambeth is sustained and reinforced through new development, proposals are supported where it is shown that the design is a response to positive aspects of the local context in terms of built form (bulk, scale, height and massing) including roofscapes, design should positively respond, respect and retain locally distinct forms (such as group characteristics) and that development which unacceptably dominates or overwhelms the host building will not be supported.
11. The proposal would also be contrary to guidance contained in the Lambeth Building Alterations & Extensions Supplementary Planning Document (SPD)

(2015) which outlines that unsympathetic alterations (including by poor design) can harm the appearance of buildings.

*Living conditions*

12. The appeal site sits between 119 and 125 Abbeville Road which have windows to habitable rooms in the rear elevations. The Council in their decision consider that the extension would have a harmful effect on daylight to these properties and in the absence of a BRE compliant report it has not been proven that the development would not result in the loss of light.
13. Since the original decision, the appellant has undertaken a Daylight and Sunlight Assessment for the development. This has been submitted with the appeal. In considering the report, the Council observe that for 125 Abbeville Road the marked rooms have been identified that the proposal would not have an adverse impact on daylight and sunlight. The Council also however comment that the 'graphic model output' for 119 Abbeville Road has failed to identify the individual habitable rooms and some rooms would experience a difference in light levels, which would be unacceptable.
14. The submitted report concludes that the impact of the development on daylight to the properties on either side of the appeal site will be within the acceptable limits set out in the BRE guidelines and as a result the changes in daylight would not be significant and unlikely to be noticeable.
15. The policy most relevant to the development in terms of its impact on daylight requires that proposals must not have an unacceptable impact on daylight. From the evidence before me and taking into account the make-up of the built environment in and around the appeal site, I conclude that whilst the development may have a slight impact on daylight levels to neighbouring properties, it would not be to an unacceptable level, and not cause harm overall.
16. I therefore find that the proposed development would not have an unacceptable effect on the living conditions of neighbouring properties with regard to light. It would comply with Policy Q2 of the Lambeth Local Plan (2015) which seeks to ensure, amongst other things, that development should not have any unacceptable impact on levels of daylight on adjoining properties.

**Conclusion**

17. Although I have found no harm in respect of living conditions, this does not overcome the harm I have found to the character and appearance of the area.
18. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

*A M Nilsson*

INSPECTOR