



Appeal Decision

Site visit made on 9 March 2020

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 07 April 2020

Appeal Ref: APP/N5660/C/19/3237658

15 Kellett Road, London SW2 1DX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Duncan Littlejohns against an enforcement notice issued by the Council of the London Borough of Lambeth.
 - The enforcement notice was issued on 16 August 2019.
 - The breach of planning control as alleged in the notice is *Without planning permission, the erection of a dormer roof extension on the main rear ridged roof slope of the premises ("the unauthorised dormer roof extension")*.
 - The requirements of the notice are:
 - (a) Remove the unauthorised rear dormer roof extension and reinstate the rear roof slop of the property as existed prior to the breach of planning control; and
 - (b) Remove all associated waste and debris resulting from compliance with the above steps.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Summary Decision

1. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Main Issue

2. The Council's reasons for issuing the notice conclude that the dormer is considered to result in significant harm to the original building, the architectural integrity of the terrace as a whole and the visual amenity of the area. The main issue in considering the deemed planning application in the appeal is therefore the effect of the development on the character and appearance of the host building and the surrounding area.

Reasons

3. No 15 lies approximately at the centre of a row of terraced houses on the northern side of Kellett Road, running between Effra Road to the west and Rattray Road to the east, south east of the centre of Brixton and close to Windrush Square. The property lies in an area of similar terraced streets, backing on to the houses on the south side of Saltoun Road. The property at No 15, as with the houses in the immediately surrounding area, has the appearance of a Victorian 3 storey building constructed of London stock bricks, with smaller 2 storey houses to the southern streets. The opposing terraces at

Kellett Road and Saltoun Road, like many others in the area, are characterised by tall outriggers to the rear, shared between each pair of terraced houses, with small gardens to the rear.

4. There are few views into the rear of the terrace from the public realm, and none of the rear of the appeal property. Private views from neighbouring properties and gardens are possible, although views from the ground level are limited because of the effect of the outriggers which mask visibility. The context here of the rear roof alterations is that they may be visible to neighbours but, as a clearly secondary elevation in the centre of the terrace, the rear of the property has no effect on the street scene.
5. A number of local planning policies relate to the principles of good design and safeguarding the area's character, the most specific to the development here being Lambeth Local Plan policy Q11: Building alterations and extensions. The overall expectation is that the design of such developments should positively respond to the original form and detailing of the host building and other locally distinct forms, such as group characteristics. Specifically in relation to new dormers, the policy advises that these should be avoided on front roof pitches, be subordinate so that the roof remains the dominant element in the composition, consist of appropriate design, materials and detailing, and contain windows.
6. Although the notice here requires the reinstatement of the land to its former condition, the planning history of the site includes planning permission for a mansard roof extension granted in 2016. The plans approved under that permission show that the rear roofslope to the property was to be significantly disturbed, with a flat roofed section behind and slightly below the ridge, and below that a steeply-sloping mansard roof plane with 2 dormer windows.
7. The development as constructed differs from those approved plans, particularly by building out to a flat tile-hung elevation flush with the existing rear elevation of the building, thus resulting in a dormer extension rather than a mansard roof, and by re-siting the windows so that the left-side window does not align with the rear windows below it.
8. Development has taken place on the ground floor of the property to extend beyond the rear outrigger to the side and the rear, and the full extent of the roof alterations cannot be seen from the reduced garden area. The Council relies on aerial photography to demonstrate the full extent of the changes, which show that, although the windows do not align with those below, the dormer is balanced and symmetrical in itself. Both windows have been positioned more centrally, such that the window on the right is now more aligned with those below it on the outrigger, although that on the left sits more centrally than those below that one on the principal rear elevation. Although not set back from the eaves, the dormer is not visible above the ridge and is set in from the flanks, and achieves an overall subordinate relationship with the original property that, in the particular context of this mid-terraced property, is not significantly different from the approved mansard roof. In its particular context, as explained above, an acceptable relationship with the host building and the surrounding area is achieved.
9. An earlier planning application, refused by the Council, sought a dormer roof extension rather than the subsequently approved mansard roof extension. I have not been provided with those plans for comparison with what has been

built, but the Council considers that the departure from the approved mansard plans amounts to 'intentional' unauthorised development that should be given weight against permitting its retention. I have received no evidence or submissions from the developer. However, even accepting the Council's case on this issue, I do not consider that the developer's intentions in proceeding without planning permission would be sufficient to disturb my conclusions that the development generally accords with the development plan for the area. Whilst not strictly compliant with design guidance, in the context of the appeal site I find the design not to be harmful to the street scene or to the character of the building or area. I therefore find the development to comply with Lambeth Local Plan (2015) policy Q11 as well as the other policies relating to design, amenity and local distinctiveness cited in the Council's reasons for issuing the notice, and thus with the development plan overall.

Other matters

10. No comments from neighbours were received in accordance with the appeal timescales, but I have nonetheless considered whether any unacceptably adverse impacts on neighbours result from the development. The pre-existing height of the building coupled with the ground floor extensions mean that I am satisfied the dormer extension would not result in any unacceptable loss of daylight or sunlight to the rear garden of the property, used by the occupiers of the ground floor flat. The window of the dormer that is visible to the garden area serves a bathroom and appears to be bottom-opening and thus I do not consider that there is any unacceptable scope for overlooking the garden area, and that the privacy of the occupiers of the garden flat will be appropriately preserved. The Council does not contend otherwise, with the effects on neighbouring living conditions forming no part of its reasons for issuing the notice.

Conclusion

11. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted. As the deemed planning application is made retrospectively I consider that no planning conditions are required.

Formal Decision

12. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a dormer roof extension on the main rear ridged roof slope of the premises at 15 Kellett Road, London SW2 1DX.

Laura Renaudon

INSPECTOR