
Appeal Decision

Site visit made on 22 September 2020

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st October 2020

Appeal Ref: APP/N5660/D/20/3244217

114 Challice Way, London, SW2 3RE

- 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 Ms M Papamarkou against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/02998/FUL, dated 14 August 2019, was refused by notice dated 29 October 2019.
 - The development proposed is described as 'single storey rear extension and erection of an additional storey above the roof and main front door moved forward'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the fact that construction of the rear extension has been commenced, I have determined this appeal on the basis of the submitted plans.

Main Issues

3. The main issues are:
 - i) the effect of the proposed additional storey on the character and appearance of the host property and area; and
 - ii) the effect of the proposed development on the living conditions of the occupiers of No. 112 Challice Way (No. 112) in respect of outlook, daylight and sunlight.

Reasons

Character and appearance

4. The appeal property is within the established residential area of the St Martin's Estate, which comprises principally low and medium rise apartment blocks and 2-storey dwellings. Part of the Estate has been redeveloped to form Hartwell Close, with 2 and 3-storey dwellings, the latter with accommodation within their roofspace. However, the majority of the dwellings on the Estate are of the original design, with plain, simple front elevations, monopitch roofs and cladding under the eaves. These details give the Estate a predominantly coherent and distinctive character and appearance.

5. The appeal property is within a staggered terrace with the newer dwellings of Hartwell Close at one end but principally comprising original 2-storey dwellings with their consistent roofline and appearance. The proposed additional storey would extend across the full width of the property. With its bulk and lack of inset from the edges of the roof the proposed addition would unacceptably dominate the appeal property.
6. It would not respect the roof pitch of the existing dwelling and the other original properties in the terrace and would disrupt the roofline of the terrace. Furthermore, the proposed fenestration in the front elevation of the additional storey would not respect that of the host property or the other original properties in the terrace. The addition would be very prominent, being visible from that part of Challice Way within which the appeal property is located and in the line of sight when approaching from the junction with the main part of Challice Way.
7. The Lambeth Building Alterations and Extensions Supplementary Planning Document (2015) sets out that roof extensions should be subordinate to and protect the design integrity of the host dwelling. However, for the reasons given above, this element of the proposals would dominate and fail to positively respond to the original architecture and fenestration of the appeal property. It would be at odds with and harmful to the distinctive architectural integrity of the Estate.
8. Although there are other examples of dwellings with a similar additional storey on the Estate, these are not visible within the context of the appeal property. In any event, these are not so numerous as to form part of the character and appearance of the Estate and themselves appear incongruous. The 3-storey dwellings in Hartwell Close and the 4-storey apartment blocks on the main part of Challice Way form their own architectural compositions and so do not justify the proposed additional storey.
9. The single-storey rear extension would be of modest, simple appearance and not prominent in the street scene. The relocation of the front door would not significantly affect the character or appearance of the host property. These elements of the scheme are therefore acceptable in this regard.
10. I therefore conclude that the additional storey would be harmful to the character and appearance of the host property and of the area. The proposals would therefore be contrary in this respect to Policies Q5 and Q11 of the Lambeth Local Plan (2015) (the Local Plan). These policies require extensions to reinforce the local distinctiveness of Lambeth through subordination and respecting the architectural integrity of the original building.

Living conditions

11. Using the Building Research Establishment's (BRE) 45° 'rule of thumb', the additional storey would result in the significant loss of daylight to the first-floor rear habitable room of the neighbouring property, No. 112. Given the orientation of the appeal property relative to its neighbour, the addition would also result in a significant loss of sunlight to this room during the latter part of the day, although the ground floor habitable room is already overshadowed by the existing dwelling.

12. Due to the staggering of the terrace, the side wall of the appeal property extends beyond the rear elevation of No. 112. The rear extension would project further which, combined with its height, would be oppressive and harmful to the outlook from the ground floor room of this adjoining dwelling.
13. An extension falling within the limitations of paragraph A.1 of the General Permitted Development Order 2015 (the GPDO) could potentially be built as permitted development. However, it is not clear to me that the height of the proposed extension would conform with the height limitation in clause (i) of paragraph A.1. I have therefore given limited weight to the contention that the rear extension is permitted development in the determination of this appeal, which is against the refusal of planning permission.
14. I therefore conclude that the proposed development would be harmful to the living conditions of the occupiers of No. 112. Accordingly, in this respect, the proposals would conflict with Policy Q2 of the Local Plan, which seeks to protect the living conditions of the occupiers of neighbouring properties.

Other Matters

15. The rear boundary of the appeal property abuts the boundary of the Rush Common and Brixton Hill Conservation Area, a principally linear Area extending along Brixton Hill. The Area's special interest derives from the historic Rush Common and nearby historic development. The appeal property forms part of the primarily residential setting of the Area and makes a neutral contribution to that setting. The proposed development would not obstruct views to or from the Area from the public realm. It would therefore not adversely affect the significance of the Area, the appreciation of that significance nor the character or the appearance of the Area.
16. Since the application was determined the GPDO has been amended in respect of upward extensions. This has not affected my decision which relates to an appeal against the refusal of planning permission. However, the appellant retains the right to apply for a scheme under the amended GPDO.

Conclusion

17. For the reasons given above, I conclude that the proposed development would be contrary to the development plan and there are no other considerations to set aside that finding. The appeal is therefore dismissed.

Martin Small

INSPECTOR