
Appeal Decision

Site visit made on 15 September 2020 by A J Sutton BA Hons DipTP MRTPI

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2020

Appeal Ref: APP/N5660/D/20/3254938

39 Meadow Road, London, SW8 1QD

- 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 and Mrs Nicholas and Veronika Garwolinski and Tugendraich Garowlinski against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 20/00585/FUL, dated 13 February 2020, was refused by notice dated 9 April 2020.
 - The development proposed is described as 'Roof extension/mansard'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The appellants have drawn my attention to pre-submission policies and given their emerging status I have attached limited weight to them in reaching this recommendation.
4. During the course of the planning application, amended drawings were submitted. The Council determined the application on this basis and I have assessed the proposal accordingly.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the host property and surrounding area.

Reasons for Recommendation

6. The appeal property is a mid-terrace dwelling in a modern block of properties. It is distinguishable from neighbouring properties by its grey painted front elevation and is partially screened by a tree situated on the pavement. The roofscape appears relatively unaltered, with PV panels only just observable above the fascia board.

7. The terrace, despite some individual alterations to properties, remains strongly characterised by a simple form and relatively unaltered, uniform, flat roofscape. The block reflects the modest proportions and, generally unaltered, simple roofscape of the terrace of period properties on the opposite side of Meadow Road. As such it is seen as a sympathetic later addition to the street scene and positively contributes to its general uniformity and balance, particularly in respect to roof line and overall roofscape.
8. Whilst there are more modern housing estates, including high-rise structures, which form the backdrop to the north and east, the area near the appeal site is characterised by low-rise residential dwellings.
9. The proposed development would provide an additional floor to the dwelling. Although it would be set back from the front elevation and, to a lesser extent, at the rear, it would cover the full width of the existing roof space.
10. The National Planning Policy Framework (Framework) promotes an effective use of land in meeting the need for homes. It states upward extensions should be allowed where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well- designed (including complying with any local design policies and standards) and can maintain safe access and egress for occupiers.¹
11. The Framework also states good design is a key aspect of sustainable development. Permission should be refused for development of poor design that fails to take the opportunity available for improving the character and quality of the area and the way it functions.²
12. Consistent with the Framework, Policy Q11 of the Lambeth Local Plan 2015 (Local Plan) states, amongst other matters, that roof additions and mansards will not be supported where they would harm the architectural integrity (building form and design integrity) of the original building or its group.
13. Although the proposed design draws on the simple lines of the host property, it would result in a bulky structure in an elevated position, which would dominate the appearance of the dwelling. The proposed metal cladding would appear as a solid stark form against existing building materials. Furthermore, the proposed large windows to the front, by virtue of their full height, would fail to reflect the proportions and flow of existing fenestration on lower floors. As such the proposal would be an alien addition and would be detrimental to the appearance of the host dwelling, and the uniformity of the terrace of which it forms part. It would also harm the pleasing balance and positive features which characterises the Meadow Road street scene. The presence of mature trees would not mitigate the harm identified.
14. The dwelling currently provides space just less than that set out in nationally prescribed space standards. However I have no substantive evidence before me that the dwelling does not provide acceptable living conditions for its occupiers. Whilst the need for additional family living accommodation is recognised, it is unlikely that the proposal before me is the only option to achieve this. Accordingly, this matter does not provide justification for the proposal.

¹ Paragraph 118 e) of the Framework

² Paragraph 130 of the Framework

15. Alternative materials and colour may, in part, reduce the harm identified. However, I have nothing before me to allow the consideration of alternatives. The use of a green roof would not mitigate the identified harm, nor would the alleged, unsubstantiated claim that the proposal would improve energy efficiency.
16. In summary, I conclude that the proposal would harm the character and appearance of the host property and the surrounding area in conflict with Policies Q2, Q5 and Q7 of the Local Plan, which collectively state development will be supported if visual amenity for adjoining sites and from the public realm is not unacceptably compromised, and local distinctiveness is sustained and reinforced. The proposal also conflicts with Policy Q11 of the Local Plan which requires development, amongst other matters, to have a design which positively responds to the original architecture, roof form, detailing and fenestration of the host building and other locally distinct forms (such as group characteristics).

Other Matters

17. The appellants have drawn my attention to changes to legislation³ (Order) since the submission of the appeal. Class AA of the amended Order relates to the proposed form of development before me. It is a reasonable probability that the appellants would exercise their permitted development rights under this part of the Order. Whilst such a development could be larger than that proposed I do not have any details of an alternative scheme to consider.
18. Furthermore, whilst amendments to the Order reflect policies of the Framework regarding opportunities to use airspace above existing residential and commercial premises for homes, the permitted development rights are subject to limitations and conditions, including a requirement for a developer to apply for prior approval as to, amongst other matters, the external appearance of the dwellinghouse, including the design and architectural features of the principal elevation of the dwellinghouse. I have no evidence before me that such an application has been approved by the Council. Therefore, whilst this matter is clearly material to the case, and I have attached weight to it in reaching this recommendation, it has not been decisive for the reasons outlined.
19. The appellants have identified numerous examples of similar forms of development in the Borough. Examples of metal clad mansard roofs illustrate a general acceptability of the material. However, examples are all subject to different local contexts than the case before me. Whilst the period properties with mansard roofs opposite the appeal property form part of the street scene, the additions are distinctly different in appearance from the proposed design.
20. Developments at Pearman Street, Palfry Place, Sunbury Lane, Idminton Road, Mayall Road, Acre Lane, Vauxhall Walk and Trouville Road have some similarities to the proposed development or the character of the area. However, all differ in terms of either design, built form or character of the area so as not to be directly comparable to this case.
21. The existing and approved built form at Vibrant Gardens appears similar to the appeal property. However, the character of the area and street layout differs. The example at St Agnes may be a desirable template however there is no

³ The Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020 Part 1 of Schedule 2 Class AA – enlargement of a dwellinghouse by construction of additional storeys

certainty that this would occur in this case. The Airspace scheme relates to apartments.

22. In summary, whilst there are parallels to be drawn from all examples provided, I find that they are sufficiently different from the case before me. As such they have had limited weight in reaching this recommendation and do not provide justification for harmful development.
23. My attention has been drawn to a number of policies and whilst I accept that the proposal accords with a number of them, I am required to consider the development plan and the Framework as a whole. For the reasons set out above, I find there would be conflict with both. There are no material considerations that outweigh the identified harm and associated development plan conflict.

Conclusion and Recommendation

24. For the reasons outlined above, and having regard to all other matters raised, I recommend that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR