



Appeal Decision

Site visit made on 21 September 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th October 2020

Appeal Ref: APP/N5660/W/19/3241213

24 Mackie Road, London SW2 2EB

- 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 Ken Sam against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/02754/FUL, dated 28 July 2019, was refused by notice dated 23 September 2019.
 - The development proposed is described as 'Continued use of the first floor and roofspace as a 3 bedroom family dwelling and change of use of the ground floor from a large one bedroom flat to a three bedroom family dwelling, with garden area for the ground floor unit, and retention of rear extension with pitched roof and lowered parapet wall to the sides, plus bin provision and cycle parking'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal has been altered from the application form to the decision notice. However, the original description adequately describes the proposal and I have determined the appeal on this basis.
3. A planning agreement has been submitted with the appeal which includes restrictions on parking permits for occupiers of the property. This has been noted by the Council who have stated that the proposal would now be acceptable in relation to this matter.

Main Issue

4. The main issue therefore is the effect of the proposal on the living conditions of neighbouring occupiers at 22 Mackie Road (No 22) with particular regard to whether the extension results in an overbearing impact or sense of enclosure.

Reasons

5. The main issue focuses around a rear single storey extension which is in place at the site and which includes a flat roofed section adjacent to the main rear elevation of the property and a pitched roof beyond this. It appears that this design has arisen as a result of an earlier intention to provide a roof terrace to complement the first-floor flat's main living area behind perimeter parapet walls.

6. This proposal does not include a roof terrace and seeks to lower the parapet walls which are present on both sides of the flat roofed section of the extension. The pitched roof above the remainder of the extension would remain.
7. The neighbouring extension at No 22 is of more limited depth than that which has been constructed at the appeal site. It has glazed doors towards its far end, whilst a smaller window lies closest to the boundary with No 24.
8. Whilst the removal of the parapet wall adjacent to the boundary with No 22 would slightly reduce the bulk of the extension, the prominent pitched roof is a much more notable and visible feature when viewed from the rear windows and garden of No 22. Despite the alterations proposed, this part of the extension would still be a dominant and overbearing feature when viewed from the rear windows and rear garden at No 22.
9. The notable bulk of the pitched roof above the extension creates an overwhelming sense of enclosure for the occupiers at No 22. This results in significant harm to the living conditions of the occupiers of this property which would result in adverse impact on the enjoyment of their home.
10. The proposal is therefore contrary to Policy Q2 of the Lambeth Local Plan (2015) which amongst other things seeks to protect the living conditions of those nearby by avoiding wherever possible any undue sense of enclosure.

Other Matters

11. Whilst I note that the parties agree that the extension does not result in any significant impact on daylight and sunlight to No 22 and its garden, I do not consider that this equates to a lack of harm in other respects.
12. I am aware of and have had regard to a previous appeal decision at the site (Ref APP/N5660/W/18/3218018). I do not however consider that changes within this proposal have addressed all the concerns raised by the previous inspector.
13. The appellant has also drawn my attention to a wide range of planning policy with which it suggested the proposals complies. That may well be the case, but I have identified a significant detrimental impact on the living conditions of neighbouring occupiers, which I have afforded significant weight and which outweighs these matters.

Conclusion

14. Taking all relevant matters into account, the appeal should be dismissed.

T J Burnham

INSPECTOR