

Appeal Decision

Site visit made on 15 September 2020 by S Witherley CIHCM MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

Appeal Ref: APP/N5660/W/3252012

43B Finsen Road, Brixton SE5 9AW

- 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 Sarah Stang of ScanMar Partnership against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 20/00193/FUL, dated 14 February 2020, was refused by notice dated 19 April 2020.
 - The development proposed as described on the application form is: Erection of a rear dormer roof extension with Juliet balcony, installation of 2 No's front rooflights and internal remodelling. (First floor flat).
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Decision

1. The appeal is allowed, and planning permission is granted for the Erection of a rear dormer roof extension with Juliet balcony, installation of 2 No's front rooflights and internal remodelling (First floor flat), at 43B Finsen Road, Brixton SE5 9AW, in accordance with the terms of the application, Ref 20/00193/FUL, dated 14 February 2020, subject to the following conditions:
 - 1) The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of this planning permission.
 - 2) The development hereby permitted shall be built in complete accordance with the drawings hereby approved. Drawing ref numbers 2083/001, 2083/006, 2083/005, 2083/007.
 - 3) Any alterations to the elevations of the existing building shall be carried out in the same materials as the existing elevation to which the alterations relate.

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.

Main Issue

3. The main issue is the effect of the rear L shaped dormer on the character and appearance of the appeal building and the surrounding area.

Reasons for the Recommendation

4. No. 43B is an upper floor flat located within a two-storey terraced property. The terrace is part of a continuous perimeter block with the rear elevation
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overlooking the rear gardens and elevations of properties in Kemerton Road and Northway Road. The rear comprises a two-storey addition which is set down from the original roof and covers part of the rear elevation. Various alterations have been made to the roof form of properties within the rear of the block, including a significant number of L-shaped dormers which now form part of the established character of the area.

5. The proposal would extend across the width of the rear roof plane up to the raised parapet walls at either side and out over part of the existing rear addition. Its box like design would sit below the ridge of the main roof and as a result of the raised party walls would appear off set from the party boundaries. The siting, scale and form would ensure that the main roof of the appeal property would remain discernible particularly as the raised party walls allow for both a visual and physical break between the neighbouring roof planes either side. Its design and use of materials reflect the characteristics of other L-shaped dormers that feature within the perimeter block and as such appears appropriately sited and subordinate upon the appeal property and within the area.
6. Given the location of the site, visibility of the dormers would be limited to the rear of the neighbouring properties. Within these views they would also take in the surrounding neighbouring dormer extensions located in Kemerton Road and Northway Road which form part of an established character of the area. As such the design, scale and form of the proposal would respond positively to the existing character and appearance of the area.
7. The proposal would not harm the character and appearance of the appeal building nor the surrounding area and therefore accords with Policy Q2, Q5 and Policy Q11 of the Lambeth Local Plan (2015) and the guidance contained in the Building Alterations & Extensions Supplementary Planning Document (2015) which seek proposals to reflect and positively respond to locally distinct characteristics.

Other Matters

8. Interested parties have raised a number of issues relating to living conditions, including loss of light, privacy, noise and fire safety. The Council have considered these impacts and from the submitted drawings and from what I saw on site agree that there would be no harm to the living conditions of neighbouring occupiers as a result of the proposal's design, scale and form and its relationship with neighbouring properties.
9. Matters of structural integrity and building insulation, which would also reduce noise impact would be covered by Building Regulations. Matters relating to the erection of scaffolding and noise/ disturbance during construction works would be short term and could be mitigated by careful construction management. Issues over whether the scaffold would be erected on neighbouring land are private matters between parties that fall outside the scope of this planning appeal.

Conditions and Conclusion

10. I have imposed the standard time limit condition and have specified the approved plans as this provides certainty. A condition is necessary for the materials to match those that are used in the existing property to maintain the character and appearance of the area.

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, agree that the appeal should be allowed.

Chris Preston

INSPECTOR