
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: 13 October 2020

Appeal Ref: APP/N5660/D/20/3252002

76 Fentiman Road, London, SW8 1LA

- 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 Manuel Valina against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/04629/FUL, dated 12 December 2019, was refused by notice dated 3 April 2020.
 - The development proposed is a single storey lower ground rear extension.
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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 Matter

3. The decision notice references Fentiman Road Conservation Area. However, for avoidance of doubt, submitted information confirms the appeal property to be within the St Mark's Conservation Area.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of St Mark's Conservation Area; and
 - the living conditions of occupiers of neighbouring properties with particular regard to privacy.

Reasons for Recommendation

5. The appeal property is a mid-terrace, imposing 4-storey period dwelling with a two-storey projection at the rear. Dwellings in the block have enclosed rear gardens set in a linear pattern and bound by a block of garages. The terrace block forms the edge for the St Mark's Conservation Area.

Character and Appearance

6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or

enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets, which includes conservation areas, is set out in the National Planning Policy Framework (Framework). At paragraph 192, it sets out matters which should be taken into account including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.

7. The St Mark's Conservation Area is characterised by smart terraced housing dating from the 19th Century. Only part of Fentiman Road falls within the conservation area, where it retains terraces of grand properties, with a vertical emphasis, set in a formal street layout typical of the period, such as that seen at the appeal property and nearby.
8. The block in which the appeal dwelling is situated appears as a pleasing, generally uniform terrace of period properties from the front. From the rear the vertical emphasis, rear projections and consistency of brickwork of dwellings is evident from the wider street scene, even taking account of a rear infill extension to the rear of No 74. These historic architectural features and layout, including that found at the appeal property contribute positively to the character and appearance of the conservation area.
9. Policy Q11 of the Lambeth Local Plan 2015 (Local Plan), highlights that rear returns are characteristic of many 19th Century buildings in Lambeth and should generally be retained. However, it sets out criteria for infill extension stating amongst other matters that they should be set back from the corner of the main return on the heritage asset. It also states that roof terraces will normally be resisted on locally distinct building types where they are not characteristic of the host building/group.
10. The development would infill at ground floor level, creating a building line flush with the existing two storey rear return. In this respect it would not appear as a sufficiently subordinate addition to this aspect of the original building, with only the first-floor portion of the return, to some extent, visibly retained. It would interrupt the vertical emphasis of the building and fenestration rhythm so as to diminish period features characteristic of the property and the surrounding area. Furthermore, whilst the proposed roof terrace bound by railings, may result in a degree of symmetry with No 74, this aspect of the proposal would add uncharacteristic design features in the immediate setting. As such it would be detrimental to the architectural integrity of the property.
11. Whilst views of the extension would be limited, the identified harm would erode historic features that positively contribute to the character of the area. The proposal would erode the host property's contribution to the character and appearance of the St Mark's Conservation Area and its significance as a designated heritage asset. The harm to the conservation area would be less than substantial. However, except for improved accommodation which would be a private benefit to the occupiers of the dwelling, I have not been presented with any public benefits which would outweigh the harm to this designated heritage asset.
12. Therefore, it is concluded that the proposal would not preserve or enhance the character or appearance of the St Mark's Conservation Area in conflict with Policies Q5, Q11 and Q22 of the Local Plan which collectively require development to preserve or enhance the character or appearance of

conservation areas, be designed to sustain and reinforce the local distinctiveness of Lambeth, with subordinate extensions, of a design which positively responds to the original architecture of buildings.

13. Moreover, the proposal would be inconsistent with the guidance on extensions set out in the London Borough of Lambeth Supplementary Planning Document – Building Alterations 2015 and the historic environment policies of the Framework.
14. In reaching this conclusion I am mindful of a similarly designed extension at No 74, however the Council indicate that the extension here is not what they granted planning permission for, although accepting that it is now lawful because of the passage of time. Given this and that this extension was likely granted under a different development plan to that before me, I consider that its existence does not provide justification for harmful development.

Living Conditions

15. The proposed roof terrace area would match that existing at No 74, creating a projecting, elevated platform with views into neighbouring gardens. Views would however be limited by the first-floor return to the west, and to the east would be partially screened by the proposed obscured glazing panels. Furthermore, views over the close-knit rear gardens, in this direction would not be materially different to that already observable from the rear upper floor windows of the appeal property. As such, the proposed development would not result in a loss of privacy to nearby occupiers to the degree that would make their rear gardens less pleasant to use.
16. Accordingly, I conclude that the proposal would not result in harm to the living conditions of occupiers of neighbouring properties in respect of loss of privacy. The proposal accords with policy Q2 of the Local Plan in this regard, which states development will be supported if acceptable standards of privacy are provided without the diminution of the design quality.

Conclusion and Recommendation

17. 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

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

RC Kirby

INSPECTOR