
Appeal Decision

Site visit made on 21 October 2020

by Michael J Muston BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2020.

Appeal Ref: APP/N5660/D/20/3244930

Avon Villa, 2A Shakespeare Road, London SE24 0LB

- 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 Driton Rexha against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/03812/FUL, dated 14 October 2019, was refused by notice dated 24 December 2019.
 - The development is a summer house ancillary to the main dwelling house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development the subject of this appeal has already taken place.
3. The development was described on the application form as set out in the heading above. This was amended by the Council to "*Erection of a single storey outbuilding to the front of the property*", which is also the description used by the appellant on his appeal form. This describes the proposal more fully, and I have therefore used this amended description as the basis for my decision.
4. The Herne Hill Society has stated that the outbuilding is used for a canine and feline grooming business, and the Council has also referred to this in its delegated report. For the avoidance of doubt, I have determined this appeal on the same basis as the application was made, and as the Council determined the application, which is that the outbuilding is to be used as an ancillary building to Avon Villa.

Main Issues

5. The main issues are:-
 - whether the outbuilding preserves or enhances the character or appearance of the Poets Corner Conservation Area; and
 - the effect of the outbuilding on the living conditions of the occupiers of Avon Villa, with particular regard to light, outlook, and privacy.

Reasons

Conservation Area

6. The appeal site is within the Poets Corner Conservation Area. The Conservation Area (CA) covers a mid to late 19th century estate of speculative housing. Its significance stems in large part from the “pattern book” housing, laid out in straight lines, set a uniform distance back from the footways, and from the existence of street trees and planting in front gardens.
7. Avon Villa is a more modern bungalow, dating from the late 20th century, set within what would originally have been the rear garden of 37 Dulwich Road. Its design and form are out of keeping with that of the wider CA; however it is set back on its plot to respect the building line of those properties on the north-eastern side of Shakespeare Road.
8. The outbuilding the subject of this appeal has been erected between Avon Villa and the road, close to the front boundary fence. The submitted plans show that it is just over 6 metres long, a little over 3 metres wide and a little over 2.6 metres in height. Its walls are constructed from wood, and it has a flat roof.
9. The outbuilding is close to 37 Dulwich Road, the side elevation of which is on the back edge of Shakespeare Road’s footway. However, it is set forward of the building line of properties in Shakespeare Road and is located directly in front of Avon Villa. Only the top of the building is visible over the top of the timber fence fronting the road. However, a combination of its height, its location and the materials from which it is constructed, all combine to result in a building that appears incongruous and out of place in its setting.
10. In his grounds of appeal, the appellant says that *“the public realm is not being compromised as the single storey nature of the structure, when compared to the multi storey nature of neighbouring built forms, represents a visually subordinate feature”*. The structure is indeed subordinate in size to many of the larger surrounding properties. However, for the reasons set out above, the (albeit limited) views of the outbuilding over the boundary fence from the public realm within Shakespeare Road are of a building that does not relate well to its surroundings and appears out of character with them.
11. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. I conclude that the outbuilding does not preserve or enhance the character or appearance of the Poets Corner Conservation Area, and would harm its significance as a heritage asset. This would be contrary to Policies Q2, Q5, Q14 and Q22 of the Lambeth Local Plan (2015) (LP). These policies seek, amongst other things, development that does not unacceptably compromise the public realm, that responds to the positive aspects of local context and historic character, that does not involve building in front gardens, and which preserves or enhances the character or appearance of conservation areas.

Living conditions

12. Policy Q2 of the LP says that development will be supported if, amongst other things, *“acceptable standards of privacy are provided without a diminution of design quality”*, *“adequate outlooks are provided avoiding wherever possible*

any undue sense of enclosure or unacceptable levels of overlooking", and the development "would not have an unacceptable impact on levels of daylight and sunlight on the host building".

13. The outbuilding is located immediately in front of two rooms within Avon Villa shown on the submitted plans as being bedrooms. The distance between the two buildings is less than a metre. This arrangement must significantly restrict the amount of daylight that enters these two bedrooms and seriously impact on the outlook from those rooms.
14. The appellant argues that there are many examples of extensions to dwellings, which result in rooms and habitable spaces becoming internal, with no direct source of natural light. However, in my experience, in these situations, the affected rooms are often replanned to take advantage of borrowed light, or their use changed to one where lack of natural light is less of an issue. In this case, the construction of the outbuilding appears to have taken place with the two affected rooms remaining as bedrooms. As a result, these rooms must be unacceptably affected by a reduction in daylight and outlook, caused by the outbuilding.
15. I appreciate that the current occupiers of Avon Villa may be content to lose light into these rooms, and outlook from them, in order to allow the outbuilding to be retained. However, I have to take account of the living conditions of occupiers in the future as well as the present, and I do not consider that the current arrangement is acceptable in the long term.
16. There is also a window in the outbuilding facing one of the two bedroom windows. However, as long as the outbuilding is used as an ancillary building to the main house, as applied for, I do not consider that privacy needs to be maintained between different parts of the same dwelling.
17. On the second main issue, I conclude that, because of the unacceptable reduction in daylight reaching the two bedrooms, and the impact on the outlook from the same rooms, the outbuilding would have an unacceptable effect on the living conditions of the occupiers of Avon Villa, contrary to Policy Q2 of the LP.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be dismissed.

Michael J Muston

INSPECTOR