The Planning Inspectorate

# Appeal Decision

Site visit made on 20 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/20/3250886**
**68 Mervan Road, London SW2 1DU**

- 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 Dai Hawkins against the decision of the Council of the London Borough of Lambeth.
- The application Ref 19/04096/FUL, dated 1 November 2019, was refused by notice dated 27 January 2020.
- The development proposed was originally described as a rear extension, extending the kitchen and bedroom; the reduction of the garage into a garden room/home office, garden enlargement and improvement.

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The development was described on the application form as set out in the heading above. This was amended by the Council to "*Erection of 2 storey rear extension with external spiral staircase and terrace, and the removal of 2 French doors at ground floor with folding doors, including the replacement of the outbuilding with a single storey home office including alterations to hard/soft landscaping , boundary treatment and creation of a vehicular crossover*", which is also very similar to 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.

## Main Issues

3. The main issues are the effect of the proposed development on:-

   - the character and appearance of the area;
   - the living conditions of occupiers of nearby properties, with particular regard to outlook and sense of enclosure; and
   - pedestrian safety.

## Reasons

*Character and appearance*

4. The area around the appeal site is characterised by two storey terraced housing, probably dating from the early 20th century, set back from the

footway a short uniform distance, constructed of brick, with front gardens fronted by low boundary walls, with bay windows at ground floor level, and with very similar detailing around doors and windows. No 68 Mervan Road has already been extended with a two storey extension to the rear, which has increased the bulk of the dwelling's presence in Talma Road. However, its design and the materials from which it was constructed mean that it responds well to the existing character of the appeal property and other surrounding houses in Mervan and Talma Roads.

5. The appeal proposal would introduce a two storey extension, topped by a roof terrace, onto the end of the existing extension. It would not have a large floor area on each floor. However, because of its shape, and the inclusion of an external staircase from the roof terrace down to the garden, it would result in built form that would occupy a significant part of the gap between the existing extension at No 68 and the side elevation of 12 Talma Road, and be particularly visible from Talma Road.

6. All of the extension would be covered in timber cladding. The appellant argues that the use of this material would make the extension look different from, but subordinate to the host building. This may be true; however, I do not consider that this is the right place for such an approach. The considerable uniformity in design, materials and detailing is one of the main elements in the character of the area around the appeal site. In this setting, the proposed timber clad extension would appear incongruous. It may not be large, but it would be unduly prominent in the street scene in Talma Road, and would detract from the character and appearance of its surroundings.

7. I conclude that the proposed development would have an unacceptable effect on the character and appearance of the area, contrary to Policies Q2, Q5 and Q11 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, and which has a design that responds positively to the original architecture, roof form, detailing, and fenestration of the host building and other locally distinct forms.

*Living conditions*

8. Policy Q2 of the LP says that development will be supported if, amongst other things, "*adequate outlooks are provided avoiding wherever possible any undue sense of enclosure or unacceptable levels of overlooking*". The Council considers that the two storey extension would create a poor outlook and an unacceptable sense of enclosure for users of rear gardens of adjoining houses fronting Mervan Road.

9. The occupiers of 66 Mervan Road would be able to see the proposed extension when using their rear garden. It would block a significant part of the existing gap between No 68's existing rear extension and the side elevation of 12 Talma Road. However, I do not consider that this degree of visibility would amount to a sense of feeling unacceptably enclosed, or of the outlook from the garden being unacceptably impaired.

10. The Council's concerns also extend to other properties further down the terrace in Mervan Road. However, these are considerably further away from the proposed extension and would not be materially affected by it.

11. I conclude that the proposed development would not have an unacceptable effect on the living conditions of occupiers of nearby properties, with particular regard to outlook and sense of enclosure, and would comply with Policy Q2 of the LP in this respect.

*Pedestrian safety*

12. The Council is concerned that the parking space would not be large enough, that it is located at an angle, and that the proposal would involve narrowing the existing gateway to one only some 2.1 metres wide. Once a car had been driven through the gates, having to slightly turn the vehicle and park it in a small parking space may cause some inconvenience to the driver and any passengers getting in or out of the car. However, I do not consider that these aspects of the proposal would lead to harm to pedestrian safety.

13. However, the narrowness of the proposed new gates could cause problems. When emerging from these gates, whether in a forward or reverse gear, the driver of the car involved would have very little ability to see any pedestrians approaching on the footway, even if they were close by. It would place all the responsibility for avoiding a collision in the hands of the pedestrians and, given that these may include children and the elderly, this could be dangerous.

14. I appreciate that the appellant does not intend to use his car very often, and anticipates living in his house for many years. However, I have to consider the situation as it would exist on site, when the appellant may no longer live there, or his circumstances may have changed. I cannot give the appellant's current personal circumstances, or his plans not to move, any more than very limited weight in coming to a decision on this issue.

15. I therefore conclude that the proposed development would have an unacceptable effect on pedestrian safety, contrary to Policies Q14 and T6, which seek, amongst other things, access arrangements that cause no nuisance and developments that do not have unacceptable transport impacts, including on highway safety.

**Conclusions**

16. I have concluded that the proposed development would not have an unacceptable effect on the living conditions of nearby properties. However, I have also concluded that the proposed development would have unacceptable effects on the character and appearance of the area, and on pedestrian safety. These negative factors outweigh the lack of other harm and, for the reasons given above, I conclude that the appeal should be dismissed.

*Michael J Muston*

INSPECTOR