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# Appeal Decision

Site visit made on 4 December 2020

**by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 06 January 2021**

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**Appeal Ref: APP/N5660/D/20/3253662**

**192 Demark Hill, London SE5 8EE**

- 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 Pikay Patel against the decision of the London Borough of Lambeth.
  - The application Ref 19/04780/FUL, dated 31 December 2019, was refused by notice dated 19 May 2020.
  - The development proposed is Erection of a single storey ground floor rear extension and the formation of a roof terrace with glazed balustrade and the removal of one rear first floor window for the installation of a patio door.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I have taken the description of the application from the Council's decision notice as this more accurately describes the number of elements which make up the application. This description is also mentioned on the applicant's appeal form.
3. The Council note that there is an existing planning permission<sup>1</sup> for a rear single storey ground floor extension which at the time of my site visit had been implemented. The appeal scheme includes the same ground floor rear extension and which the Council do not object to and I have no reason to disagree with this judgement. The main contention between the parties relates to the installation of a roof terrace, balustrading and a door onto the terrace and these installations will be the focus of this appeal.

## Main Issues

4. Taking the above into account, the main issues are the effects of the proposed terrace, balustrading and door onto the terrace upon:
  - The character and appearance of the existing building and the locality; and
  - The living conditions of surrounding occupiers, with particular regard to overlooking, noise and privacy to Nos. 188-196 (Even) 12 and 16 Blair Avenue; No. 19 Deepdene Road; and Nos. 23 and 25 Acland Crescent.

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<sup>1</sup> Lambeth Council Planning Ref: 18/01560/FUL

## Reasons

### *Character and appearance*

5. The appeal site contains a detached dwelling which appears to date from the mid-twentieth century along with other dwellings fronting Denmark Hill, and Acland Crescent and Deepdene Road which run to the rear of Denmark Hill. Dwellings within this area are generally detached and have interwar and arts and crafts-like styling. Dwellings are generally quite large and simple in design particularly along Denmark Hill with large setbacks from the road and large rear gardens. To the rear of dwellings there is evidence of extensions, generally in the form of dormer windows and single storey rear extensions which are generally subservient to the main dwelling. There is an element of cohesiveness in the layout and design of the dwellings in the estate with similar designs, materials and layout which is part of the local character, distinctiveness and appearance of the area.
6. On my site visit I did not identify any of the dwellings in the nearby locality with rear balconies with this type of development being uncharacteristic of the area. This is also supported by the Lambeth Buildings and Alterations Supplementary Planning Document (SPD) which states that balconies are uncharacteristic of Lambeth's pre-Second World War building stock and that extensions and alterations need to respond to the characteristics of the locality.
7. The proposed arrangement of aluminium framed glazing to the balustrade of the edge of the roof extension would not be 'translucent' and open as noted by the applicant, but would be highly noticeable with the framing being a solid structure that would add unnecessary clutter to the existing rear extension. The proposal would not be invisible as implied by the applicant, but would overcomplicate the quite simple design of the dwelling giving a discordant appearance within the surrounding context. I also note comments from the applicant that screening via obscure glass could be provided, however this would contradict comments made with regards to translucency. The use of opaque screens would also accentuate the visual bulk and clutter as already discussed.
8. Given the above-mentioned factors, I conclude that the proposal would significantly harm the character and appearance of the locality. Consequently, the scheme would be contrary to Lambeth Local Plan 2015 (LP) Policies Q5 (which seeks that local distinctiveness should be sustained through new development through an appreciation of built form, bulk, scale, height and massing); Policy Q8 (which seeks to discourage poorly detailed design); and Policy Q11 (which seeks that alterations and extensions positively responds to the original architecture and detailing), all policies of which are supported by the SPD.
9. The Council in their Reason for refusal No.1 on the Decision Notice which concerns character and appearance refer to Policy Q2 of the LP which concerns living conditions, rather than character and appearance. This policy is therefore not relevant to the consideration of this matter.

### *Living conditions*

10. The properties adjoining and to the rear are relatively open and whilst rear gardens are residential in nature, there are no areas of overlooking from a first

floor level. Whilst conditions for screening could be imposed to limit overlooking, the obscure screens to the rear extension would give the appearance of a two storey extension to the rear. This would have an oppressive appearance for the people utilising the terrace, as well as not overcoming previous concerns relating to the visual appearance of the screening. I am not convinced by comments that a balcony would provide similar overlooking opportunities as to what is already experienced. There is a clear difference in the perception of overlooking and loss of privacy from persons sitting or standing on a balcony for long periods of time as opposed to any overlooking caused, for example, from a rear window which would go largely unnoticed. Given the suburban environment, these changes to the perception of overlooking and privacy as a result of this development carry a significant impact to the living conditions of surrounding occupiers.

11. For similar reasons, noise and disturbance would be noticeably different with the noise generated from a first floor level as opposed to the ground level rear garden. The space is large and there is no reasonable way to control the amount of persons gathering on this space. I disagree that because the terrace is accessed from a bedroom that this would make the terrace any less accessible for a large amount of people to gather at first floor level. The applicant also states that the cooking of food would be at the ground level, however there is no control over the ability to bring a barbeque to the rear terrace which would increase the likelihood for further impacts to the living conditions of surrounding occupiers.
12. In conclusion on this matter, the scheme would cause significant harm to the living conditions of surrounding occupiers, as a result of overlooking, noise and loss of privacy. Consequently, the scheme would be contrary to Policy Q2 of the LP (which seeks that amenity to adjoining sites not be unacceptably compromised).

### **Conclusion**

13. As set out above, I conclude that the development would significantly harm the character and appearance of the area, and result in an unacceptable degree of overlooking and lack of privacy to surrounding occupiers, being contrary to the development plan in this regard. The appeal is therefore dismissed.

*J Somers*

INSPECTOR