



Appeal Decision

Site visit made on 28 January 2021

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2021

Appeal Ref: APP/N5660/W/20/3257318

Flat 4 29 Dulwich Road, London, SE24 0NJ

- 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 Wheeler against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 20/00238/FUL, dated 16 January 2020, was refused by notice dated 30 April 2020.
 - The development proposed is an alteration to the terrace area of the building into a roof terrace with glass balustrade.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property, the Poets Corner Conservation Area (PCCA) and the Brockwell Park Conservation Area (BPCA).

Reasons

3. The Appeal property is located within the PCCA and adjacent to the BPCA. The PCCA is a mid to late 19th century suburb that is characterised by a diverse mix of detached, semi-detached and terraced two and three storey houses, many with semi-basements. The roads within the PCCA are straight and parallel to each other and lead to Brockwell Park which is located at the southern end of the PCCA.
4. The dwellings are constructed from a diverse range of materials including red brick, London brick and stucco and primarily have a range of shallow pitched/butterfly roofs hidden behind parapet walls and modest pitched slate roofs. Many of the dwellings are set behind enclosed and soft landscaped front gardens, which include an abundance of shrubs and trees. The dwellings typically have good sized gardens which back onto each other and the soft planting within the rear gardens can be glimpsed from the gaps between the terraces. All of these features contribute towards the verdant, spacious and residential character and appearance of the PCCA and its significance.
5. The BPCA comprises an early 19th century landscaped park that is enclosed by iron railings and gates. The southern part of the park includes an abundance of trees, as well as a series of lakes and a walled garden. The northern part of the park, which is closest to the appeal site is fragmented by recent buildings and play areas. These are largely screened from Dulwich Road by two rows of

- uniformly designed substantial three and a half storey semi-detached villas, with pitched roofs. These features contribute to the character, appearance and significance of the BPCA.
6. The Appeal site is located at the southern end of the PCCA and is directly opposite the BPCA. The appeal building comprises a five storey modern apartment block with white painted rendered walls under a flat roof. The building has a comparatively stark appearance with little detailing and its fenestration is out of alignment and does not reflect or respect that of the attached building. As a result of these combined features and its siting slightly forward of Fanon House the appeal building appears both prominent and out of keeping with the street scene.
 7. The attached building (No.31), comprises a three storey Victorian dwelling, with London stock brick walls; a parapet roof; front projecting bay; and painted stone detailing around the upper floor fenestration. It has a roof terrace above the recessed three storey wing on its eastern side, which sits below the main roof of the building and is enclosed by timber railings. Immediately to the northwest of the appeal property is a modern red brick four storey flats development with a flat roof (Fanon House). This building occupies a prominent corner position adjacent to the junction of Dulwich Road and Spencer Road.
 8. Both the appeal building and the attached Victorian building benefit from generous sized rear gardens. Although the rear garden at No.31 is soft landscaped, the rear garden of the appeal property is hard surfaced and used for on-site parking and is partly occupied by a garage building. The rear garden to Fanon House is similarly largely hard surfaced and partially used for parking.
 9. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) requires that when assessing proposals for new development within a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance. Policy Q22 of the Lambeth Local Plan 2015 (LP) is consistent with this and seeks to protect views into and out of conservation areas.
 10. Section 16 of the National Planning Policy Framework 2019 (Framework) states that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. Any harm requires clear and convincing justification. Where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
 11. Collectively and amongst other things LP policies Q2, Q5, Q11 and Section 12 of the Framework seek to ensure that new development responds to local character and history and reflects the identity of local surroundings. The design of alterations and extensions should positively respond to the original architecture, roof form, detailing and fenestration of the host building. Roof terraces will normally be resisted on locally distinctive building types where they are not characteristic of the host building/group.
 12. The Council's Building Alterations & Extensions Supplementary Planning Document 2015 (SPD) is consistent with this and advises that roof terraces and balconies should not be uncharacteristic of the building type.

13. The appeal building is not characteristic of the locality or either of the conservation areas. Whilst it respects the height, width and depth of the adjoining building, its finish, fenestration and detailing pay little regard to the character and appearance of the attached building or the prevailing character, appearance and significance of the PCCA and the BPCA.
14. Roof terraces are not a characteristic of the few plain flat roofed buildings in the locality. They are also not characteristic of either conservation area. Whilst it is noted that there a number of roof terraces in the PCCA, they are typically set below the main roof height of the building concerned. This includes the recessed side terrace at No. 31, the rear terrace at the Prince Regent Public House and the balcony to the front of 96 Dulwich Road. Other roof terraces in the locality are located to the rear of properties on lower projecting wings, where they are only visible against the backcloth of the rear elevations of the terraces concerned and then only through gaps between buildings.
15. The proposed roof terrace would sit on top of the main roof of the building. As advised by the Council, the proposed roof terrace would be set in 0.52 metres from the rear and side elevations of the host building and would be set back from the front elevation of the building by 3.9 metres. The terrace would be enclosed by a clear glazed screen, with slimline metal supports and rail, which would be 0.93 metres in height. This would be broadly consistent with the height of the parapet wall of the adjoining building. Access to the roof terrace would be from an existing rooflight opening.
16. From Dulwich Road in the immediate vicinity of the appeal site, and from further to the southeast and northwest, the proposed roof terrace and means of enclosure would not be visible. This is due to its proposed position within the rear part of the flat roof of the building and the screening provided by the attached and adjacent buildings. It would also be screened from Brockwell Park by the rows of villas and the former church on the opposite side of Dulwich Road.
17. However, notwithstanding the trees within the street, parts of the balustrade around the proposed roof terrace would be visible from Dulwich Road, through the open gap between the appeal building and the flats development at Fanon House. In particular it would be visible from the pavement outside the row of villas on the opposite side of Dulwich Road.
18. Similarly, the proposed balustrade would be visible from Spencer Road, through the gap between Fanon House and the building at 2 Spencer Road. Whilst the proposed balustrade would not be particularly prominent in these views, it would appear as an additional uncharacteristic feature on the building, adding to its incongruous appearance and prominence within the street scene.
19. The use of the proposed terrace and the possible associated use of paraphernalia such as seating, table, BBQ, etc. would increase the harm caused, both visually and by drawing attention to the presence of the terrace. This is irrespective of whether such paraphernalia is permanent or only placed on the terrace when in use.
20. It is noted that the appellant has stated that the primary use of the terrace would be to provide access to the solar panels on the roof. However, the proposed balustrade would obstruct access to the solar panels. Irrespective of this, the proposal is for an enclosed roof terrace and would be a usable garden area for the occupiers of Flat 4.

21. For these reasons the proposal would harm the character and appearance of the host building, the PCCA and the BPCA, detracting from their significance. Whilst this harm would be less than significant, it nonetheless needs to be weighed against any public benefits resulting from the proposal. No public benefits have been cited by the appellant, although I consider that the employment resulting from the construction of the roof terrace would bring a modest temporary benefit. Also, the proposal would provide an amenity area and thus make full use of the property. In this instance these public benefits would clearly fail to outweigh the harm that would be caused by the proposal to the significance of the two conservation areas. In addition, this harm could not be satisfactorily addressed through the imposition of conditions.
22. I conclude that the proposed roof terrace would materially and unacceptably harm the character and appearance of the host dwelling, the PCCA and the BPCA. Whilst the harm they would cause to the significance of the PCCA and the BPCA would be less than significant, this harm would not be outweighed by any public benefits. Accordingly, the proposal would conflict with LP Policies Q2, Q5, Q11 and Q22, the SPD and the Framework.

Elizabeth Lawrence

INSPECTOR