



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/20/3260528

11c Hemberton Road, London, SW9 9LE

- 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 Rodwell Cloete against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 20/00576/FUL, dated 13 February 2020, was refused by notice dated 9 April 2020.
 - The development proposed is described as proposed erection of balustrades on the existing rear projection to form a roof terrace including, one roof light to facilitate the access into the new terrace.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of balustrades on the existing rear projection to form a roof terrace including, one roof light to facilitate the access into the new terrace, at 11c Hemberton Road, London, SW9 9LE in accordance with the terms of the application, Ref 20/00576/FUL, dated 13 February 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, PL/01, PL/02, PL/03, PL/04, PL/05, PL/06 & PL/07.
 - 3) Prior to the commencement of the development hereby permitted full details of the colour, tone, glazing design and reflectivity of the proposed privacy screen shall first be submitted to and approved in writing by the local planning authority. The development shall be carried out fully in accordance with the approved details.
 - 4) All new external works and finishes and work of making good shall match existing original work adjacent in respects of materials used, detailed execution and finished appearance except where indicated otherwise on the drawings hereby approved, or unless otherwise required by a condition.
 - 5) The area outside the balustrade as noted on the 'Top Roof Plan' (Ref: Drawing PL/06) shall not at any time be used as a roof terrace, sitting out area or other amenity space and shall be accessed only for purposes of emergency egress and maintenance.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and the terrace.

Reasons

3. Hemberton Road and the adjacent roads are primarily characterised by three storey terraced Victorian residential properties that are set back from the street scene behind small enclosed front gardens. This together with the limited range of design detailing and palette of materials results in a strong sense of uniformity in the front elevations of the properties within the street scene.
4. To the rear many of the properties have rear returns of various heights and accommodation at basement and/or roof levels. The roof level accommodation includes a diverse range of dormer extensions with mansard, flat and pitched roofs and roof lights. A number of the properties have roof terraces, which are enclosed by a combination of parapet walls, railings, timber fencing and plastic screening. These roof terraces can be seen from the street scene through the gaps between the terraces. Whilst they may not benefit from planning permission, they appear well established and are an integral part of the character and appearance of this building group.
5. The Appeal property is located within a row of 3No. attached three storey Victorian dwellings with accommodation at basement level. This small terrace is situated within a group of terraces with small rear gardens and where the rear garden environment is visually enclosed and fragmented. A variety of roof extensions and terraces can be seen through the gaps between the terraces located in Tregothnan Road and Atherfold Road.
6. The appeal dwelling and the adjoining properties have three storey rear returns with very shallow pitched roofs that are hidden behind low brick parapet walls. The appeal property also has accommodation at roof level, which is served by a rear mansard roof extension, that is visible from a short section of Tregothnan Road. This extension includes two windows which are aligned with the windows immediately below, but are asymmetrical to the windows in the rear return.
7. Section 12 of the National Planning Policy Framework (Framework) and policies Q2, Q5, Q8 and Q11 of the Lambeth Local Plan 2015 (LP) seek to ensure that new development responds to local character and history and reflects the identity of local surroundings. It should not unacceptably compromise the visual amenity of its 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. The Council's Building Alterations & Extensions Supplementary Planning Document 2015 (SPD) is consistent with this.
8. The proposed roof terrace would be set back one metre from the front edge of the rear return and would be enclosed to the north and west by the parapet wall with low metal railings immediately behind it. To the west would be a 1.7 metre high obscure glazed screen, which would be set in from the adjacent edge of the rear return by one metre.
9. Access to the terrace would be from a glazed door that would be created by effectively linking one of the mansard windows, with the window immediately below it. The resultant glazed area would have a transom at eaves line and

the sill of the existing mansard window above would be retained. This glazed area would align appropriately with these windows and the other existing mansard window on the roof slope. Although the resultant glazing would be deeper than the other windows at the rear of the building, it would be set back behind the three storey rear projecting wing, which together with the proposed railings and privacy screen would screen the lower part of the proposed glazed area in most views.

10. The proposed roof terrace would be largely screened within the rear garden environment by the flank walls of 28 and 30 Tregothnan Road (Nos.28 & 30), and the rear projection of the adjoining property at 9 Hemberton Road (No.9). Where it could be seen it would be visually discreet and would not look out of place on the host building, within the terrace and amongst the existing roof extensions and roof terraces that are characteristic within this contained rear garden environment.
11. The only other place the proposed roof terrace and associated glazed access would be visible, would be from a small section of Tregothnan Road, between the rear elevation of 13 Hemberton Road (No.13) and the flank wall of No.30. From here views of the low metal railings, balustrade and extended window area would be screened to various degrees by a combination of the buildings at Nos. 13 & 30, the height of the rear return and the set back of the terrace from the outer edges of the return. The extended window area would also be largely screened by the proposed obscure glazed privacy screen.
12. Whilst partially screened in most views by the adjacent buildings and its set in from the edge of the tall rear return, the proposed privacy screen would be visible from Tregothnan Road. Few details are provided regarding the proposed glazing and in particular, no details are provided regarding its colour, tone, translucency and pattern. Subject to the use of glazed panels that are an appropriate colour, tone and design the privacy screen would blend in appropriately against the backcloth of the walls and roof of the property and the terrace as a whole. At the same time, it would ensure that the privacy of the occupiers of No.13 would be adequately protected.
13. Conversely, the use of a contrasting colour, highly patterned or reflective glass for the privacy screen would look out of place and would fail to respect the host building, the terrace and its rear garden setting. As this is a matter that can be controlled through the imposition of a condition it does not weigh against the proposal.
14. For these reasons, subject to the use of appropriate glazing for the privacy screen, the overall proposal would blend in appropriately with the host building, the terrace, the rear garden environment and the street scene.
15. The appellant has referred to two roof terraces that were approved in Sandmere Road. However, few details are provided; they were approved before the adoption of the LP and SPD; and their location is not directly comparable to that of the appeal site. As such they have not influenced this decision, which is based upon current planning policies and having regard to the merits of the proposal.
16. The Council has suggested conditions in relation to adherence to submitted drawings; that the finished works and making good match the host building, other than as indicated on the submitted drawings or required by other conditions; and that the roof area outside the balustrade shall only be used for

emergency egress or maintenance. These conditions are necessary to protect the character and appearance of the host property and its surroundings.

17. However, in the interests of precision and enforceability the drawings condition should include the drawing numbers. I also consider that a pre-commencement condition is necessary relating to the submission of details relating to the proposed glazed privacy screen. This is to protect the character and appearance of the host building, the terrace and their setting. Neither the Council nor the appellant have raised any objections to the proposed changes to the list of conditions suggested by the Council.
18. I conclude the proposal would blend in appropriately with the character and appearance of the host property and the terrace. Accordingly, it would comply with LP Policies Q2, Q5, Q8 and Q11, the SPD and section 12 of the Framework.

Elizabeth Lawrence

INSPECTOR