



Appeal Decision

Site visit made on 8 June 2021 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2021

Appeal Ref: APP/N5660/W/21/3269150

4C Chancellor Grove, London SE21 8EG

- 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 Ms Ruth Moore against the decision of the Council of London Borough of Lambeth.
 - The application Ref 20/03334/FUL, dated 16 September 2020, was refused by notice dated 26 November 2020.
 - The development proposed is garden balcony at first floor with associated internal layout alterations.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - 1) The effect of the proposal upon the character and appearance of the host property and the surrounding area and;
 - 2) The effect of the proposal upon living conditions of residents of no. 6 Chancellor Grove with regard to privacy and overlooking.

Reasons for the Recommendation

Character and appearance

4. No. 4C is one of three self-contained residential flats within a three-storey end of terrace residential building located on Chancellor Grove in Norwood area of London. The terrace block comprises nos. 4 to 8 Chancellor Grove and the properties each feature a single storey rear outrigger.
5. The area is residential and is characterised by a mix of building types, though predominantly featuring terrace blocks of differing design. The block of which the appeal property is a part is uniform and unaltered at the rear with similar

outriggers and matching fenestration¹. There is a pleasing symmetry between the rear of the appeal property and the neighbouring dwelling, and the relatively unaltered arrangement of windows and outriggers add to the interest and character of the block.

6. Balconies are not a feature in the area and the Council have referred to Lambeth Council's Building Alterations and Extensions Supplementary Planning Document (2015) (the 'SPD') in stating their case, that balcony additions have the potential to significantly alter the architectural composition and appearance of the host building or its group². Though same paragraph of the SPD states that as a general design rule, balconies should be limited to rear elevations such as is proposed.
7. However, the construction of a balcony along with associated alterations which include converting the window to French doors would introduce an alien element which would imbalance the symmetry of the block at the rear and diminish the contribution it makes to the character of the area. It would detract from the distinctive quality of the rear elevation and would be visually harmful when viewed from private vantage positions of neighbouring properties.
8. I find that by virtue of its siting and design, the proposal would harm the character and appearance of the host building and its group and would fail to sustain or reinforce the local distinctiveness of the immediate locality. Accordingly, it would conflict with the objectives of Policy Q5 of the Lambeth Local Plan (2015) (the 'LP').

Living conditions

9. As observed on my visit to the site, the window which would be converted to French Doors for access unto the balcony, already provides some overlooking into the rear garden of no.6 Chancellor Grove. The introduction of the proposed balcony will further exacerbate the degree of overlooking into the neighbouring garden and would significantly increase the perception of being overlooked when those in the garden would be aware of people using the balcony looking down from a substantial height.
10. The appellant acknowledges that the proposed garden balcony provides overlooking into private rear amenity space of neighbouring properties. They however refer to roof terraces to other properties, specifically 16 Chancellor Grove and 15 to 19 Park Hall Road, which they argue provide greater levels of overlooking into rear amenity space of neighbouring properties than the proposed garden balcony.
11. These balconies are rather first floor balconies. No further information has been provided, so I cannot make any further comments regarding these examples in terms of whether they have the benefit of planning permission. Even by the appellant's admission these are of some vintage and appear to be part of the original architecture so different planning considerations may have applied at the time. Nevertheless, each proposal must be assessed according to its own merits. The existence of potentially harmful development elsewhere does not amount to a reason to cause harm to neighbouring privacy in this instance, particularly having regard to the uncertainty over the background of those other developments.

¹ As seen in Figure 07 of appellants Statement of Appeal

² Paragraph 2.11

12. I find that the proposal would provide an unacceptable level of overlooking to the detriment of living conditions of neighbouring residents, more specifically no. 6 Chancellor Grove regarding privacy. Consequently, there would be conflict with the objectives of Policy Q2 of the LP which seeks amongst other things to ensure that proposals for new development avoid providing unacceptable levels of overlooking (or perceived overlooking).

Other Matters

13. I recognise that the proposal is aimed at providing usable outdoor space which would be of benefit to the occupants of the property, particularly during the current pandemic. That amounts to a positive benefit in support of the proposal. However, at the time of writing restrictions on the use of outdoor space have been lifted and any restrictions, if needed in future are likely to be temporary. In addition, it is not unusual for outdoor space to be limited for upper flats in an urban environment such that residents rely upon local parks and other outdoor spaces for recreational use. Thus, whilst I sympathise with the desire for outdoor space, that matter does not outweigh the harm I have identified in relation to the character and appearance of the area and living conditions of neighbouring residents.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR