

Appeal Decision

Site Visit made on 9 June 2021

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2021

Appeal Ref: APP/N5660/D/20/3263340

5 Turnchapel Mews, London SW4 0PX

- 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 Amelia Doughty against the decision of London Borough of Lambeth.
 - The application Ref 20/02035/FUL, dated 16 June 2020, was refused by notice dated 28 August 2020.
 - The development proposed is removal of rear dormer for the erection of an in-set dormer with French door and formation of a roof terrace.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development has been changed from the application form. This has been done by the Council in its decision notice. The appellant has indicated that as the change is merely a more detailed description of the proposal, they have no objection to the change. As a result, I am satisfied that neither party has been prejudiced by this change of description.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the host building; whether it would preserve or enhance the character or appearance of the Wandsworth Road Conservation Area; and the effect of the proposed development on the living conditions of the occupiers of Nos 294–300 Cedars Road, with particular regard to privacy.

Reasons

Character and appearance

4. The appeal building is located at the western extent of the Wandsworth Road Conservation Area (CA) which contains three islands of development comprising mainly 19th century development. There are a wide range of attractive buildings of different periods with historic and architectural value. The significance of the CA appears to be largely derived from the contribution of the architectural and historic quality, character and coherence of historic buildings.
5. The Mews comprises two long brick-built former stable buildings facing each other, enclosed by a brick wall at one end and with decorative wrought iron gates at the entrance onto Cedars Road. Many of the original features are

- apparent which has preserved the character of the grouping which makes a positive contribution to the CA.
6. Whilst the appeal building is not locally or statutorily listed, it is situated within the CA and as such benefits from statutory protection under the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). I am required under section 72(1) of the Act to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
 7. The Mews buildings are orientated perpendicular to Cedars Road, with the appeal property (No 5) being situated within the terrace, away from the road. Despite being set back from the street, the rear elevation and roof slope of No 5 is clearly visible when travelling northwards along Cedars Road. The appeal building is also visible in private views from surrounding properties and their amenity spaces.
 8. The appeal proposal would result in the removal of a single dormer window from the rear roof slope of No 5. The dormer forms part of a linear group of 6 evenly spaced dormers that span the roof slope of Nos 3, 4 and 5. Whilst I accept that these dormers are relatively recent additions to the building, that resulted from a 2015 planning permission granted on appeal, I find that their modest scale and simple form is compatible with the building, respects its historic character and presents as a coherent group. Due to its proposed width and position within the row of dormers, the inset dormer and resultant terrace area would dominate this part of the roof slope and would appear as an incongruous intrusion, significantly at odds with the traditional form. I accept that some screening of the proposed development would be provided by the neighbouring dormers, however, I do not consider this would negate the harm I have identified.
 9. Although the wider roof scape is varied in its appearance and is host to an existing inset dormer at No 1, the circumstances of that development differ from that of the appeal proposal in that it is not positioned uncharacteristically within a row of traditional dormers. In any case, the manner in which that development has interrupted the historic line of the roof, has resulted in a harmful and imposing effect on the character of the building and therefore fails to provide justification for the appeal development.
 10. I acknowledge the existence of solar panels on the roof slope between the dormers being a modern feature. However, because the panels align with the pitch of the roof slope and closely match the colour of the roof tiles, the impact on the overall appearance of the roof made by the solar panels is negligible and the integrity of the roof slope is not compromised by their presence. This would not be the case with the proposed development which would remove a significant portion of the fabric of the building, thereby altering the appearance and manner in which the space is used which would be detrimental to the character and appearance of the building. Even though sufficient roof structure would be retained across the front of the terrace to negate the need for any projecting balustrade, its use as a terrace would result in visible activity above the roof slope which would draw attention to the discordant feature.
 11. The Council's Building Alterations and Extensions Supplementary Planning Document 2015 (SPD) provides guidance on the design and siting of dormer extensions and makes reference to conservation areas and dormers on heritage assets. The SPD considers inset dormers to be inappropriate on heritage

assets. Whilst this does not necessarily mean that such a form of development is automatically considered inappropriate in a conservation area, and I note that the design of the proposal would comply with parts of the guidance for this type of dormer, nevertheless, the SPD recognises the high level of consideration that should be given to the types of development proposed within those areas. For the reasons set out above, the proposed development would appear at odds with and be unsympathetic to the appearance of the host building and would dilute the positive contribution it otherwise makes to the significance of the character and appearance of the CA.

12. I conclude that the proposal would unacceptably harm the character and appearance of the host building and would fail to preserve or enhance the character or appearance of the CA. Consequently, the proposal would conflict with Policies Q2, Q5, Q11 and Q22 of the Lambeth Local Plan 2015 (LP) and the guidance within the SPD. When considered together these policies require development to relate well to form and character and to preserve or enhance the character or appearance of conservation areas.

Living Conditions

13. The use of the proposed roof terrace would introduce an increased level of outlook from roof level than currently exists. Although the outlook would include views towards the neighbouring building Nos 294–300 Cedars Road, I am satisfied, because of the oblique position of the windows in that building in relation to the proposed development, and the separation distance between them, that any additional impact introduced by the proposed development would not be overly harmful to the living conditions of the occupiers of those properties.
14. I conclude that the proposal would not, in respect of this matter, conflict with LP Policy Q2 which requires, amongst other matters, development to avoid unacceptable levels of overlooking.

Conclusion

15. In the context of paragraph 196 of the National Planning Policy Framework (the Framework) the harm caused to the heritage asset would be less than substantial. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Where a proposal will lead to less than substantial harm, as in this case, the harm should be weighed against the public benefits of the proposal.
16. The proposal would provide external private amenity space for a family sized house. This would improve compliance with current policy expectations for such accommodation and would meet the needs of the appellant. I appreciate the demand for home working due to the recent Covid-19 pandemic and the consequences this has had. There are clearly private benefits to the proposed development. However, no substantive public benefits have been put forward to weigh against the harm to the heritage asset. This is a matter to which I give considerable importance and weight.

17. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise. Therefore, for the above reasons the appeal is dismissed.

S Tudhope

INSPECTOR