



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: 8 July 2021

Appeal Ref: APP/N5660/D/21/3268074

6 Claverdale Road, London SW2 2DP

- 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 James Spinney against the decision of the Council of London Borough of Lambeth.
 - The application Ref 20/03385/FUL, dated 6 October 2020, was refused by notice dated 1 December 2020.
 - The development proposed is erection of metal railings on the property's rear roof terrace.
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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.

Preliminary Matters

3. The works have already been completed and the railings were in situ at the time of my site visit.

Main Issues

4. The effect of the development upon the character and appearance of the host property and the wider terrace; and upon the living conditions of residents of no. 4 Claverdale Road and nos. 85 and 87 Upper Tulse Hill with particular regard to privacy and overlooking and noise and disturbance.

Reasons for the Recommendation

Character and appearance

5. No. 6 is a two-storey terraced dwelling with two-storey rear outrigger. The roof has been extended incorporating a Juliet balcony, together with the installation of 3 front rooflights. The extension extends onto the pitched roof of the outrigger, forming a flat roof terrace on one side of the roof. It is located on Claverdale Road in the Brixton area of London.

6. The street scene is characterised by predominantly similar two-storey terraced dwellings with two-storey rear outriggers and enclosed rear gardens, most also incorporating roof extensions with front rooflights. There are also a few others which incorporate a Juliet balcony. However, these do not extend onto the roof of the outrigger. Notwithstanding the number of alterations to the rear of the block, the pitched roofs of the rear outriggers remain a notable feature of the area and their form and profile provide a regular rhythm to the roofscape at the rear of this part of Claverdale Road and the adjacent properties on Upper Tulse Hill. Whilst the pitched roof has been removed at the appeal property, the end gable wall retains the pitched profile such that the rhythm of the outriggers is retained from external views elsewhere within the block.
7. By virtue of its elevated position and size, the railings can be viewed from the rear of surrounding properties at different levels. The railings project above the top of the outer wall which disrupts the rhythm and pattern of the prevailing roof form at the rear of the block. Consequently, they appear as an incongruous form of development which does not accord with the character of the area. The railings are visually harmful to the appearance of the host property and character of the wider terrace.
8. The appellant has referred to other examples of terraced balconies with railings in the area, such as those at 23 Athlone Road and 85 / 87 Upper Tulse Hill. However, none of these are at roof level and are of a shorter height than the appeal development. Roof terrace railings are not a feature of the area and the presence of other development does not lead me to alter my conclusions on the harm that would be caused.
9. I find that by virtue of its position, scale, size and appearance, that the proposal has a detrimental impact on the character and appearance of the host dwelling and the wider terrace. Accordingly, there is conflict with the National Planning Policy Framework (NPPF) and Policies Q5 and Q11 of the Lambeth Local Plan (2015) (the 'LP') which seek amongst other things to ensure that proposals for new development have a design which positively responds to the original architecture, roof form, detailing, fenestration (including design, materials and means of opening) of the host building and other locally distinct forms (such as group characteristics).

Living conditions

10. The installation of the railings provides safety and therefore would encourage more frequent use of the flat roof as a roof terrace. As observed on my visit to the site, this provides more enhanced direct views into habitable windows and private gardens, particularly at no. 4 Claverdale Road, and nos. 85 and 87 Upper Tulse Hill than from the existing Juliet balcony. Having stood on the balcony, the elevated position towers above neighbouring gardens and provides a genuine sense of being overlooked from an imposing vantage point which causes significant harm to the privacy of neighbouring occupiers.
11. The appellant has stated that the railing is required to serve the purpose of maintenance of the property with specific regard to allowing the occupant to regularly look after the plants which have been placed on the roof terrace, as opposed to encouraging regular use of the space.
12. Nevertheless, even if that was the case, these circumstances would be particular to the existing occupant and I have to consider future occupancy and

use. The railing on the roof terrace provides a safe outdoor roof area which could be used more intensively than is presently suggested by the appellant. That would undoubtedly cause harm on account of a loss of privacy.

13. There is little evidence to indicate that the use has or would generate significant levels of external noise and disturbance. It is common for residential outdoor spaces to sit closely adjacent to other residential space in urban areas and there should be no assumption that use of a residential space would create undue disturbance. As with other neighbouring residential uses, if particular residents caused unacceptable levels of noise it would be open to the Council's Environmental Health team to investigate. However, no evidence has been presented to suggest that it would inherently cause noise or disturbance.
14. I find that the proposal has an unacceptable detrimental impact on the living conditions of occupants of no. 4 Claverdale Road, and nos. 85 and 87 Upper Tulse Hill with regard to loss of privacy and overlooking. Accordingly, there is conflict with the National Planning Policy Framework (NPPF) and Policy Q2 of the LP which seek amongst other things to ensure that proposals for new development provide acceptable standards of privacy and avoid unacceptable levels of overlooking (or perceived overlooking); excessive noise or disturbance.

Conclusion and Recommendation

15. Consequently, I find that the development causes harm in relation to both main issues. Although the appellant refers to a need to provide railings for safety purposes whilst watering plants, I am not satisfied that the barrier is essential for that purpose, if the balcony is not intended to be used regularly, as suggested. It would be open to the appellant to remove the plants if safety was a paramount concern, or to move the plants closer to the rear window/door such that they could be watered without going near to the edge of the flat roof. Consequently, I am not satisfied that the harm identified is justified on the basis of the safety concerns put forward.
16. 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

17. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR