



Appeal Decision

Site Visit made on 29 June 2021

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2021

Appeal Ref: APP/N5660/D/21/3271730

32 Rommany Road, London SE27 9PX

- 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 G Virgara - VG Atelier Ltd against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 21/00021/FUL, dated 4 January 2021, was refused by notice dated 26 February 2021.
 - The development proposed is erection of mansard roof extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted amended plans which include annotated materials, a drainage pipe and indication of the position of an existing third-party window. In considering the acceptability of these amendments, I have had regard to the Wheatcroft¹ principles. The amendments are primarily aimed at providing further clarification and they do not fundamentally alter the development as originally proposed and consulted on by the Council. I have therefore considered this appeal on the basis of the amended plans.
3. The views of the main parties have been sought on relevant policies of the new London Plan (2021), which was published after the determination of the planning application. I have taken these responses into account in my determination of the appeal.
4. The Council's case report also refers to the Draft Revised Lambeth Local Plan (DLP), which has been examined, with main modifications published for consultation between 15 February and 29 March 2021. However, the Council has not referred to the DLP in their reasons for refusal and neither of the parties have made any representations in relation to conflict or otherwise with any specific DLP policies. In addition, and at the time I make this decision, it remains unadopted.

Main Issues

5. The main issues are the effect of the proposed development on a) the living conditions of the occupiers of No 34 Rommany Road with particular regard to outlook and b) the character and appearance of the area.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

Reasons

Living Conditions

6. The host property is a two-storey terraced dwelling. The adjoining properties at Nos 34 and 30, either side, are three storeys. The host property has a parapet wall which conceals a flat roof. A window, which serves an existing bedroom at No 34, directly overlooks the existing roof of the host property. The proposed development would introduce a mansard roof, extending the property upwards to create an additional floor.
7. The proposed development would be located directly in front of the neighbouring window in the side elevation of No 34. The close proximity of the proposed development to this neighbouring window would result in a harmful overbearing impact. The occupier of No 34 provided photographs to the Council, which show the existing outlook over the flat roof of the host property and towards the neighbouring side elevation of No 30. Whilst I accept that the outlook is currently restricted, oblique views of the surrounding area are still attainable at present. In contrast, the proposed development would completely obscure and dominate the outlook from this window, resulting in a harmful impact on the living conditions of the occupiers.
8. The appellant has highlighted that the adjacent neighbouring window is not the primary window serving the bedroom at No 34, which is served by two additional windows. This has been confirmed by the occupiers of No 34 in correspondence with the Council. Indeed, for this reason, the Council concluded that the proposed development would not have an unacceptable impact on No 34 with regard to access to natural light. However, the same logic does not apply to the impact of the proposed development upon the outlook from No 34. The fact that there are two additional windows serving this neighbouring room would not mitigate the harm which would be caused by the overbearing impact of the proposed development.
9. The appellant has also suggested that it is hard to justify the Council's reason for refusal when they have concluded that there would be no equivalent impact upon the living conditions of No 30, which also adjoins the appeal site. However, I do not accept this assertion, given that, in contrast to the relationship with No 34, there are no windows in the side elevation of No 30 which directly overlook the appeal site.
10. It is accepted that the proposed development would not harm the privacy of neighbouring occupiers, but this does not detract from the harm that would be caused by the overbearing impact of the proposed development. The appellant has also suggested that there are no similar examples of properties in the locality with windows in the side elevation which overlook neighbouring properties. To this extent the appellant has asserted that the orientation of the neighbouring window could stifle any opportunity for upwards extension of the host property. Whilst this may be the case, it is not a consideration which would outweigh the harm which I have identified.
11. For these reasons, the proposed development would conflict with Policy Q2 of the Local Plan², which seeks in part to safeguard the living conditions of neighbouring occupiers.

² Lambeth Local Plan 2015

Character and Appearance

12. The surrounding area largely consists of residential properties. Neighbouring properties typically comprise of terraced dwellings, which are between two and three stories. To the front, properties appear predominantly unaltered. When viewed from the rear, properties on Rommany Road appear less uniform, with many having been extended at single storey level. The host property currently stands out as an uncharacteristic feature of the surrounding area, as it comprises a smaller, two storey dwelling with a flat roof.
13. The proposed development, which would include a mansard roof with front facing dormer windows, would have a lower ridge height than the adjoining neighbouring dwellings, thereby retaining the subservient appearance of the host property when viewed from the front. The dormer windows and mansard roof are design features which are not typical of the surrounding area. However, the existing property already has an uncharacteristic design. The dormer windows would in themselves not therefore be a standout feature.
14. When viewed in conjunction with the taller neighbouring three-storey dwellings to either side, the development would not appear as top-heavy. Furthermore, the existing rear elevation already has a predominantly 'boxy' appearance, given the relatively flat roof forms that currently exist. These factors combined, mean that the development would assimilate well with the character and appearance of the surrounding area.
15. The proposed development would therefore comply with Policies Q5 and Q11 of the Local Plan, which seek in part to ensure that the design of new development is in keeping with local character and that roof additions do not harm the architectural integrity of the existing building.

Other Matters

16. The appellant has cited National Planning Policy Framework (Framework) paragraph 118(e), which outlines support for development of 'airspace' above existing residential properties. Whilst this paragraph does support the development in principle, this support would not outweigh the harm that the development would cause to the living conditions of the occupiers of No 34. Furthermore, the proposed development would conflict with Framework paragraph 127, which seeks, in part, to ensure that new development provides a high standard of living conditions.

Conclusion

17. The proposed development would not be harmful to the character and appearance of the area. However, this would be a lack of harm and thus incapable of outweighing the harm that the proposed development would cause to the living conditions of No 34 in the manner I have set out. The proposed development would conflict with the development plan and the Framework. It is for these reasons that the appeal should be dismissed.

Luke Simpson

INSPECTOR