



Appeal Decision

Site visit made on 28 June 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2021

Appeal Ref: APP/N5660/W/20/3261069

133A, Flat 3, Coldharbour Lane, London SE5 9NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Ben Rawlence against the decision of the London Borough of Lambeth Council.
 - The application Ref 20/00760/FUL is dated 26 February 2020.
 - The development proposed is described as The planning application is to regularise the existing decked roof terrace and balustrade, and for the addition of wind and privacy screens to this terrace.
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Decision

1. The appeal is dismissed.

Procedural and Preliminary Matters

2. The Council failed to determine the application within the required timeframe and therefore the appellant seeks determination of the proposal through the planning appeals system. I have identified the main issues in the appeal having considered the Council's Delegated Register report, which sets out the putative reasons for refusal in relation to the scheme.
3. The adopted Lambeth Local Plan 2015 (LP) is currently under partial review having undergone public consultation and submitted to the Secretary of State for examination in May 2020. The main modifications have been made available for public consultation. The policies referred to by the Council remain unaffected, and are given significant weight.
4. Some development has been carried out at the site as there is currently a balcony structure in place.

Main Issues

5. The main issues are the effect of the proposal on:
 - The character and appearance of the area; and
 - The living conditions of neighbouring occupiers.

Reasons

Character and appearance

6. The appeal site is a three-storey nineteenth century house that has been separated into residential flats and located on a short terrace of identical

houses. The rear elevation of this terrace is distinctive for its long returns and uniformity which retains substantial original character.

7. Flat roofs to rear residential off-shots are commonplace to the immediate locality, although external terraces are not. The proposed enclosure of timber and opaque glass material with galvanised elements to surround the terrace would appear as a new and uncharacteristic form of development to the rear elevation of the host property, and the terrace. It would thus appear as an incongruous and visually obtrusive feature, made more prominent by the proposed glazing and approximate height of enclosure at 1.8m, together with its elevated position.
8. This proposed terrace would be visible in private views from the rear elevation of this terrace row, and from the rear elevations of dwellings on Northside Street. The development, as a combination of elements, would not result in a sympathetic addition to the host dwelling, or to the local area.
9. To conclude, the development would lead to detrimental harm arising to the character and appearance of the host dwelling and the local area, contrary to LP policies Q2, Q5, Q8 and Q11 in their combined design quality and visual amenity aims, as well as the design objectives of the Building Alterations and Extensions 2015 Supplementary Planning Document.

Living conditions

10. Given the close proximity of other residential properties, the enclosure at the height proposed would inevitably control overlooking and loss of privacy to a satisfactory degree, as well as limit noise emissions from the terrace space. Therefore, if I were minded to allow the appeal, I am satisfied the proposal would lead to no harm arising to the living conditions of neighbouring occupants.
11. To conclude on this main issue, by virtue of the proposed enclosure, it would protect the living conditions of neighbouring residents and would thus accord with LP Policy Q2 in its objectives for development to protect amenity.

Balance and Conclusion

12. As I have found, the proposal would lead to no harm arising to the living conditions of neighbouring occupiers. However, an absence of harm in this regard is a neutral factor which weighs neither for nor against the appeal proposal. I have found harm in terms of the effect on the character and appearance of the host building and the local area. Therefore, the proposal would lead to conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Alison Scott

INSPECTOR