



Appeal Decision

Site visit made on 24 June 2021

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2021

Appeal Ref: APP/N5660/W/21/3267443

15c Richbourne Terrace, London SW8 1AS

- 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 Daniel Strutt against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 20/03329/FUL, dated 1 October 2020, was refused by notice dated 30 November 2020.
 - The development proposed is for raised parapet walls of the outrigger extension to create a concealed roof terrace. New double doors on to the new terrace set within existing brick arch lintel.
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Decision

1. The appeal is allowed and planning permission is granted for raised parapet walls of the outrigger extension to create a concealed roof terrace. New double doors on to the new terrace set within existing brick arch lintel at 15c Richbourne Terrace, London SW8 1AS in accordance with the terms of the application, Ref 20/03329/FUL, dated 1 October 2020, subject to the conditions in the attached schedule.

Preliminary Matter

2. The Government published a revised version of the National Planning Policy Framework (the Framework) on 20 July 2021. Whilst I have had regard to the revisions, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the changes to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupants of neighbouring properties with regard to privacy.

Reasons

4. The appeal site relates to a mid-terrace building sited on Richbourne Terrace. The property is comprised of four self-contained flats with separate entrance to the front; the appeal unit is located within the upper floors. The surrounding area is residential in nature and situated in the St Mark's Conservation Area.

5. At my site visit I was able to access the flat roof at the rear and closely examine the relationships with surrounding properties. The area currently allows for unobstructed views into neighbouring rear windows and gardens. Whilst there is already an element of mutual overlooking between dwellings, the incidence would be increased were the flat roof to be used as a terrace.
6. The Planning Practice Guidance states that conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects.
7. To this end, I consider that the size of the terrace and associated screening could be dictated by a combination of parapet wall and planted borders, such that any adverse loss of privacy would be prevented. There is sufficient space along the rear and flank boundaries of the terrace for such elements to be created, and for permanent evergreen planting to become established at a height that would ensure the protection of the living conditions of the occupants of neighbouring properties. Such planting would have the added benefit of softening the development when viewed from the surrounds. The appellant has indicated that the extent of the terrace could be reduced to avoid the possibility of large gatherings, which would further mitigate the impacts of the development. The precise location of such hard and soft landscaping works would be the subject of a condition.
8. I therefore conclude that the proposal would not cause material harm to the living conditions of the occupants of neighbouring properties with regard to privacy. It would meet policy Q2 of the Lambeth Local Plan September 2015, which seeks to ensure acceptable standards of privacy.

Other Matters

9. The Council is satisfied that the proposal would not harm the wider character and appearance of the St Mark's Conservation Area within which the site is located. I have no reason to disagree given my findings expressed as they are in relation to Policy Q2, and therefore I am also satisfied that the significance of the heritage asset would be unharmed.
10. I note the third-party objections to the proposal in relation to, amongst other things, the character and appearance of the terrace, loss of light and a sense of enclosure. However, these issues have been addressed in the planning officer's report or the appellant's submissions.
11. In respect of noise, a hard and soft landscaping condition would limit the scale of the proposal to prevent large gatherings. There is no evidence before me to suggest that noise from the users of the development would increase during unsociable hours or that there have been any anti-social issues in the locality. Of course such occurrences may happen sometimes, but that would be the case for any number of properties in the neighbourhood. The use of the terrace for day-to-day living would be more or less similar to the others at the rear of adjacent properties. Overall on this matter, I consider that the concerns are unfounded and no demonstrable harm would arise.
12. Therefore, whilst I can understand the apprehension of third parties, their concerns are not supported by any substantive evidence that would justify the dismissal of the appeal on these grounds.

Conditions

13. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. In addition to the standard implementation condition, a condition requiring the development to be carried out in accordance with the submitted drawings is reasonable and necessary for the avoidance of doubt and in the interests of proper planning.
14. A condition requiring external materials to match those on the existing dwelling would ensure a satisfactory appearance. The submission of details of a hard and soft landscaping scheme is necessary to ensure that the proposal would protect the living conditions of occupants of surrounding properties.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

C Hall

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 15CRT-PL001, 15CRT-PL-002, 15CRT-PL-400A, 15CRT-PL-401A, 15CRT-PL-402A, 7CRT-PPL-500A, 15CRT-PL-501A, 15CRT-PL-600A.
- 3) The external finishes of the development hereby permitted shall match in material and colour those of the existing building.
- 4) The roof terrace shall not be brought into use until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The landscaping works shall be carried out in accordance with the approved details, and with an agreed implementation programme.