



Appeal Decision

Site visit made on 23 August 2021

by Joanna Gilbert MA(Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2021

Appeal Ref: APP/N5660/D/21/3270681

Avon Villa, 2A Shakespeare Road London SE24 0LB.

- 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 Driton Rexha against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 20/04230/FUL, dated 4 December 2020, was refused by notice dated 9 February 2021.
 - The development proposed is summer house lowered and repositioned within site, works to boundary and rooflights to main dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council received the Inspector's Report for the Draft Revised Lambeth Local Plan (DRLLP) on 22 July 2021. Although not yet adopted, the DRLLP has been found sound, subject to main modifications. I afford the relevant DRLLP policies significant weight. The main parties have had the opportunity to comment on the DRLLP and I have taken account of those comments in reaching my decision.
3. The National Planning Policy Framework (the Framework) was revised on 20 July 2021. The main parties have been given the opportunity to comment on changes to the Framework and I have taken those comments into account.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on:
 - a) the character and appearance of the area, including the Poets Corner Conservation Area;
 - b) the living conditions of occupiers of the host property at Avon Villa, with particular regard to outlook and light.

Reasons

a) Character and appearance

5. The appeal site lies within the Poets Corner Conservation Area (the conservation area). The conservation area comprises straight streets of mid to late 19th century housing, with brick, painted and rendered houses in semi-

- detached pairs and terraces of different 'pattern book' designs set behind front gardens. The streets are softened by street trees and planting in front gardens.
6. Situated close to the corner of Shakespeare Road and Dulwich Road, Avon Villa is a late 20th century bungalow which occupies land which would have formed part of 37 Dulwich Road's rear garden. As the previous Inspector¹ noted, while the bungalow's design and form is out of keeping with the conservation area, it is set back within its plot to respect the building line on Shakespeare Road.
 7. An outbuilding is already present within Avon Villa's hard-landscaped front garden on the approximate site of the proposed development. At the time of my site visit, it appeared to be in operation as a pet grooming business. This existing outbuilding lies between the bungalow and the front boundary fence adjacent to the pavement.
 8. The proposed development includes a flat-roofed timber outbuilding of 2.25m in height, slightly lower than the existing outbuilding. The proposed outbuilding would be sited slightly further from the bungalow and close to the boundary with 37 Dulwich Road and forward of the Shakespeare Road building line. It would be utilitarian in nature with white UPVC windows and door and a reduced fascia profile. The existing close-boarded fencing and a partial low brick wall would be replaced by a low brick wall along the front boundary and a fence above to a total height of 2.1m.
 9. The more consistent fencing along with the proposed outbuilding's slightly lower height would reduce the proposed outbuilding's visibility from the street. Notwithstanding the lower proposed outbuilding and its altered position relative to the bungalow, it would fail to retain a significant proportion of the bungalow's garden, would not be set in at least 1m from all site boundaries, and would not be well-designed with visually attractive materials. As such, the location, footprint, design and materials of the proposed outbuilding would cause it to appear incongruous within the streetscene.
 10. Conservation areas differ greatly in nature. Though the highway alignment would not change, imposing built form and thoroughfares would remain preserved, and the topography and landscape features would be unaltered, I disagree with the appellant's assertion that the proposed outbuilding would not detract from the overall appearance, character and openness of existing built form within the conservation area. While it would be subordinate to many of the nearby residential properties and there would be no loss of soft landscaping, it would be forward of the bungalow within the streetscene and its size, design and materials would be negative.
 11. The harm identified would amount to "less than substantial harm" which paragraph 202 of the Framework advises must be weighed against the scheme's public benefits. There are no identified public benefits to outweigh the harm. The proposal would therefore fail to comply with the Framework.
 12. I conclude that the proposed development would have a detrimental effect on the character and appearance of the area, including the Poets Corner Conservation Area. This would conflict with Policies Q2, Q5, Q14 and Q22 of the Lambeth Local Plan 2015 (LLP), Policies Q2, Q5, Q14 and Q22 of the DRLLP, and the Building Alterations and Extensions Supplementary Planning Document

¹ APP/N5660/D/20/3244930, decision issued 6 November 2020.

2015 (the SPD). These policies seek, amongst other things, development that does not unacceptably compromise visual amenity from the public realm, that sustains and reinforces local distinctiveness, maintains the visual amenity of front gardens, and preserves or enhances the character or appearance of conservation areas. The SPD sets out requirements for development in front gardens.

b) Living conditions

13. LLP Policy Q2 and DRLLP Policy Q2 deal with amenity and confirm amongst other things that development will be supported if adequate outlooks are provided avoiding wherever possible any undue sense of enclosure, and if there would not be an unacceptable impact on levels of daylight and sunlight. The appellant refers to criterion ii of LLP Policy Q2 on privacy, but this does not form part of the Council's concerns.
14. The bungalow has windows only on its front elevation facing Shakespeare Road. Based on the plans submitted, the windows serve a range of rooms, including two bedrooms. The proposed development would be located some 1.25m from the two existing bedroom windows. It would also include the insertion of two rooflights in the bungalow's front roofslope, providing each bedroom with light and ventilation.
15. Together, the small reduction in height of the outbuilding combined with the rooflights would provide an acceptable level of light for occupiers of the bungalow. However, the juxtaposition of the outbuilding, albeit a slightly lower structure, with the bungalow would still have a significant impact on the outlook from both bedrooms. The occupiers of these bedrooms would not be afforded a degree of outlook that one could reasonably expect from a dwelling with a normal vertical window arrangement.
16. The appellant contends that there are many examples of extensions to dwellings, which result in rooms and habitable spaces becoming internal and without natural light. In the absence of specific examples, the proposed development would result in a significant reduction in outlook from the bedrooms. Although Avon Villa's present occupiers may be content with the limited outlook from the two bedrooms in the interests of retaining the outbuilding in some form, I am required to take account of the living conditions of future occupiers. I concur with the previous Inspector that the outbuilding's siting would not be acceptable in the long term.
17. Concluding on this main issue, while there would be no harm to living conditions in terms of light, the proposed development would have an unacceptable effect on the living conditions of occupiers of the host property at Avon Villa, with particular regard to outlook. This would be contrary to LLP Policy Q2 and DRLLP Policy Q2 as set out above.

Conclusion

18. For the reasons given above, the appeal should be dismissed.

Joanna Gilbert

INSPECTOR