



Appeal Decision

Site visit made on 22 September 2021 by A Coombes

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2021

Appeal Ref: APP/N5660/D/21/3274751

Site Address 92 Lower House, The Chase, London SW4 0NF

- 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 Chris Drake against the decision of the London Borough of Lambeth Council.
 - The application Ref 20/04057/FUL, dated 22 November 2020, was refused by notice dated 16 February 2021.
 - The development proposed is a first-floor roof terrace above existing part of the property with privacy glass and access via a new sliding door window from the first-floor hall.
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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.

Procedural Matters

3. Since the Council issued its decision the Lambeth Local Plan, adopted 2015 has been replaced with the Lambeth Local Plan 2020–2035 (LLP), adopted 2021. This appeal has been considered against the relevant Policies from the updated, and now adopted, development plan.
4. Due to an historic designation, only part of the appeal site is within the Wandsworth Road Conservation Area (WRCA), including the part where the proposed development would be sited. The effect of the development within the WRCA and the effect of the building with the proposed development on the setting of the WRCA will therefore be considered in this appeal decision.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property and the Wandsworth Road Conservation Area; and
 - the living conditions of the neighbouring occupiers, with regard to noise and overlooking.

Reasons for the Recommendation

6. The appeal site is a two-storey building with accommodation at roof level. It is partially within the WRCA and within the setting of the Chase Conservation Area. The property has a prominent gable and is built in yellow stock brick with rendered ground floor façade. Though the majority of The Chase is lined with terraced houses, there are varying sized properties and flats within the immediate setting of the appeal site. The proposal seeks to introduce a first-floor terrace on top of the single-storey entrance. Balustrading is proposed with sliding doors, on the side of the building at first floor level, providing access.

Character and Appearance

7. Due to the proposed siting of the roof terrace, it would be visible from The Chase, in close proximity to and visible from the buildings on Wandsworth Road. Although the existing front entrance is set back from the building line the roof terrace would still be highly prominent from the street scene. Whilst a small number of terraces were observed on the site visit, they are not intrinsic to the character and appearance of the area and any proposed development must be considered on its individual planning merits. The development would be an incongruous addition and therefore would be harmful to the host property and the character and appearance of the area, failing to preserve the character of the WRCA and its setting.
8. The introduction of balustrading, though necessary for safety, would add visual clutter. It is accepted that the proposed materials would complement the glazed garden used on the second-floor rear terrace. However, the existing terrace is in a discreet location and provides a balance with the neighbouring property. By contrast, the proposed terrace would cause an imbalanced appearance. Although the appellant has suggested alterations to the proposed balustrading, including the use of fixed planter boxes to enhance privacy, these would not outweigh the overall harm that would be caused by the development itself.
9. For the reasons given above, the proposed development would be harmful to the character and appearance of the host property and wider area and would not preserve or enhance the WRCA. It would fail to comply with Policies Q5, Q11 and Q22 of the Lambeth Local Plan 2020–2035 (LLP), adopted 2021. Together these Policies resist development that does not respond to positive aspects of the host building, locality, and historic character. Policy Q22 specifically requires development to preserve or enhance local conservation areas.

Living Conditions

10. The proposed roof terrace would be situated in very close proximity to the rear facades of buildings on Wandsworth Road. On the site visit it was observed that some of the windows on this elevation service a communal hallway. However, there are also windows serving habitable rooms. Due to this tight-knit relationship, any noise that may accompany the use of the proposed roof terrace would have an adverse impact on the living conditions of the neighbouring occupiers. Although some of these properties themselves benefit from the use of roof terraces, these are not so prevalent that noise associated with their use is an integral part of the character of the area.

11. The surrounding area of the appeal site has a degree of overlooking as part of its character with properties on Wandsworth Road running perpendicular. Currently there is no direct overlooking from the appeal site to properties on Wandsworth Road due to the blank flank that faces towards them. However, the proposed roof terrace and sliding door would introduce views into the rear windows serving habitable rooms of these properties. Given the very close proximity, this would lead to unacceptable overlooking and loss of privacy.
12. For the reasons given above, the development would be detrimental to the living conditions of the neighbouring occupiers, with particular regard to noise and overlooking. Therefore, it would not comply with Policy Q2 of the LLP, which seeks to prohibit development that does not mitigate adverse impact from noise or ensure acceptable standards of privacy. Such harm would not be outweighed by the absence of objections from the occupiers of neighbouring properties that was received during the consultation period.

Conclusion and Recommendation

13. The proposal would not accord with the Development Plan when it is considered as a whole. For the reasons given above, I recommend the appeal should be dismissed.

A Coombes

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR