
Appeal Decision

Site visit made on 19 October 2021

by Elizabeth Pleasant BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2021

Appeal Ref: APP/N5660/C/21/3275557

Land at Norfolk Mansions, 108 Streatham High Road, London SW16 1DE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Razin Omar on behalf of The Omar Foundation against an enforcement notice issued by the Council of the London Borough of Lambeth.
 - The enforcement notice was issued on 30 March 2021.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a single storey flat roofed extension to the rear of the premises built onto the existing single storey rear flat roofed extension situated to the rear of the premises ("the unauthorised single storey rear extension").
 - The requirements of the notice are:
 - a) Remove the unauthorised single storey rear extension and reinstate the rear elevation of the premises as existed prior to the breach of planning control; and
 - b) Remove all associated waste and debris resulting from compliance with above steps.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a) an application for planning permission is deemed to have been made under section 177(5) of the Act as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a single storey flat roofed extension to the rear of the premises built onto the existing single storey rear flat roofed extension situated to the rear of the premises on land at Norfolk Mansions, 108 Streatham High Road, London SW16 1DE referred to in the notice.

Procedural Matters

2. Since the appeal has been made the Council has adopted the Lambeth Local Plan 2020-2035 (LP) and this now forms part of the development plan for the Borough. The Council has subsequently advised which LP policies are relevant to this appeal and the appellant has been provided with an opportunity to comment on them, so has not been prejudiced.
3. In addition, a revised version of the National Planning Policy Framework (the Framework) has been published since the appeal was lodged. The main parties were given the opportunity to comment on any relevant implications for the

appeal and have not therefore been prejudiced. I have had regard to the responses and the Framework in reaching my decision.

Appeal on ground (a), deemed planning application

Main Issues

4. The main issues in this case are the effect on the:

- character and appearance of the host property and Streatham High Road and Streatham Hill Conservation Area; and
- the living conditions of neighbouring residents, with particular regard to outlook.

Reasons

Character and appearance

5. The appeal premises are situated on Streatham High Road, which is one of London's major arterial roads, and it lies within Streatham High Road and Streatham Hill Conservation Area (CA). From the evidence before me, and my observations on my site visit, the significance of the CA as a heritage asset is derived from the fine architectural details and form of the impressive length of late Victorian and Edwardian commercial and purpose built residential apartment blocks which, together with some landmark public buildings, form an important centre for shopping, recreation and commerce. Norfolk Mansions forms part of a substantial three/four storey late Victorian terrace with bold white bands across the red brick fronts and return gables and dormer windows. This striking terrace block with its corner turrets and fine front façade makes a positive contribution to the street scene and to the character and appearance of the Conservation Area.
6. However, the land to the rear of the terrace block makes little contribution to the character or appearance of the CA. This area is not visible to the public realm and is a more private and utilitarian space. Many of the properties within the terrace have been extended to the rear, including the appeal premises, which has a rear extension at basement and ground floor level. The existing extension is a substantial addition to the property which is finished in render and has UPVC windows. In addition, there are a number of air conditioning units fixed to it.
7. The unauthorised development is a small addition to the rear of the existing ground floor extension and provides a washing area for the mosque which occupies the main building. It has been constructed with a flat roof and is clad with white UPVC boards. Whilst I appreciate that the UPVC cladding is not a traditional building material, the extension is located at the rear of the terrace where there is already an eclectic mix of materials and forms of development. Moreover, the land to the rear of the terrace blocks is enclosed and not visible to public views. Existing development in this location, particularly at ground level, has a neutral effect on the character and appearance of the CA. The unauthorised extension has been sited within a corner of the rear yard with space remaining around it to service the existing building. In addition, it is small and subservient in appearance to the existing ground floor extension and does not therefore appear as a dominant addition to the host building nor does it appear incongruous in this location.

8. I conclude that the unauthorised extension does not have a harmful effect on the host property and preserves the character and appearance of the CA. I therefore find no conflict with the design and heritage aims of Policies Q5, Q7, Q8, Q11 and Q22 of the LP or Policies D4 and HC1 of the London Plan 2021. I also find no conflict with Lambeth's Building Alterations and Extensions Supplementary Planning Document, 2015 which requires extensions to contribute to local distinctiveness and respect important features.

Living conditions

9. The unauthorised extension has been constructed adjacent to the rear boundary of the site which is common with the flank boundary of No 2 Norfolk House Road. In this location No 2 has a concrete boundary wall and fence which encloses their rear garden area.
10. The extension as constructed is only single storey in height and its flat roof/eaves is level with the top of No 2's fence. Consequently, it is barely visible to the occupiers of No 2 from their rear garden and only its flat roof can be seen from their first floor windows.
11. For the reasons set out above and taking into account the height of the extension and existing boundary treatment, the unauthorised development does not have a harmful effect on the outlook and living conditions of the occupiers of neighbouring residents. There is no conflict with the development plan, and in particular with Policy Q2 of the LP which seeks to ensure that visual amenity from adjoining sites is not compromised and that an adequate outlook with no undue sense of enclosure is maintained.

Conclusion

12. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development described in the notice.

Elizabeth Pleasant

INSPECTOR