



Appeal Decision

Site visit made on 3 November 2021

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2021

Appeal Ref: APP/N5660/W/21/3270079

24 Mackie Road, Lambeth, London, SW2 2EB

- 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 Ken Sam against the decision of London Borough of Lambeth.
 - The application Ref 20/04227/FUL, dated 3 December 2020, was refused by notice dated 22 February 2021.
 - The development proposed is described as continued use of the first floor and roofspace as a 3 bedroom family dwelling and change of use of the ground floor from a large two bedroom flat to a three bedroom family dwelling, with garden area for the ground floor unit, and retention of rear extension with part flat, part low pitched roof, plus bin provision, cycle parking and parking in the garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an end of terrace house that has been enlarged by a rear dormer and a ground floor rear extension and which is in use as 2 flats. The roof to the rear extension has been built higher than on approved plans which include a flat roof. Permission is sought to alter the roof profile.
3. This is a corner plot and there is a single garage at the end of the back garden with access from Estoria Close. A signed and dated unilateral undertaking submitted with the appeal includes restrictions on parking permits for occupiers of the property. The Council confirms this overcomes its second refusal reason.
4. The Lambeth Local Plan (2021) (LLP) was adopted on 22 September this year subsequent to the date of appeal submissions. I have taken its provisions into account in preparation of this Decision.

Main Issue

5. The main issue is the proposal's impact on the living conditions of the occupiers of the adjacent dwelling (no.22) in relation to its siting and scale.

Reasons

6. The extension at no.24 has a depth of about 6m with a mono-pitched roof rising towards the terrace from rear eaves but with a lower flat roof section adjacent to the first floor rear wall. The proposal would reduce the height of the mono-pitch roof, introducing a short, pitched return to the flat roof element. This would enable retention of centrally located rooflights above a kitchen and living area, also served by rear and flank windows.

7. There is a rear extension at no.22, some 3m deep with patio doors closest to no.20 and a small window near to the boundary with no.24. The rearmost part of the extension to no.24 is to the south and forms a high boundary enclosure that casts a shadow towards no.22's patio. The rear garden to no.22 is short and this adds to the sense of enclosure formed by the flank wall.
8. In a previous appeal at the site¹, the Inspector commented "*due to the significant height and solidity of the extension's side wall, an overbearing sense of enclosure results to the detriment of the neighbouring occupiers*". The point was re-affirmed by an Inspector in a subsequent appeal², "*The notable bulk of the pitched roof above the extension creates an overwhelming sense of enclosure for the occupiers at No 22*".
9. The proposed reduction in the height and profile of the extension's roof at no.24 would be largely behind the rear line of the extension at no.22. It would therefore make little difference to the outlook from ground floor rear windows at no.22 or to the prominence of the extension's flank wall when viewed from the back garden. The impact of the height and solidity of the extension's side wall would not substantially change. Concerns expressed by previous Inspectors would not be materially overcome.
10. The extension would be an unneighbourly development appearing dominant and overbearing and creating an undue sense of enclosure by reason of its siting and scale. It would thereby conflict with Policy Q2 of the LLP which requires visual amenity from adjoining sites to not be unacceptably compromised and for developments to avoid an undue sense of enclosure.
11. The appellant points out that the roof alterations would result in a substantial reduction in the volume of the existing roof above eaves level. Nonetheless, as most of this would be behind the line of the extension at no.22 there would not be a proportionate benefit for neighbouring living conditions. It is asserted that the raising of height by 789mm over a short distance compared with a consented flat roof scheme would result in a less 'boxy' appearance, and that this would accord with policies relating to design and local character. However, any design merit would not outweigh the identified harm to neighbouring living conditions.
12. The appellant's Daylight and Sunlight Report concludes that there would be little difference in the daylight impact on no.22 when the consented scheme, with a lower flat roof, and the appeal proposal are compared. But the harm identified relates not to loss of daylight or sunlight but to the overbearing impact arising from the extension's scale and proximity.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Rory MacLeod

INSPECTOR

¹ Appeal Ref: APP/N5660/W/18/3218018

² Appeal Ref: APP/N5660/W/19/3241213