



Appeal Decision

Site visit made on 20 January 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2022

Appeal Ref: APP/N5660/W/21/3271305

22 Ravensdon Street, London SE11 4AR

- 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 Raymund McManus against the decision of London Borough of Lambeth.
 - The application Ref 20/04314/FUL, dated 11 December 2020, was refused by notice dated 22 February 2021.
 - The development proposed is the creation of a partial green roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's Decision Notice as this is more precise.
3. Since the original decision the Council have adopted the Lambeth Local Plan (2021). This replaces the Lambeth Local Plan (2015) and the Draft Revised Lambeth Local Plan (2020) such that the policies of those plans cited on the decision notice are no longer part of the development plan and have no weight. I have therefore considered the relevant policies within the Lambeth Local Plan (2021).
4. On 20 July 2021, the Government published its revised National Planning Policy Framework ('the Framework'). It replaces the previous version published in February 2019. The Framework represents the Government's up-to-date planning policies for England and how they should be applied. I have had regard to the Framework in reaching my decision.

Main Issue

5. The main issue is whether the proposed development would preserve or enhance the character and appearance of the Kennington Conservation Area (KCA).

Reasons

6. The appeal property comprises part of a terrace of properties on Ravensdon Street with the section between Milverton Street and Radcot Street being notable for its part three storey, part four storey sections and its decorative brickwork. Apart from the intentional design of the roofs to properties to either side of the four storey sections, the properties have London roofs that are

concealed from the frontage by parapets but are visible from the upper floors to the rear of the surrounding residential properties.

7. The appeal site is within the Kennington Conservation Area (KCA) which is characterised by its elegant, terraced housing. The appeal property is identified in the KCA Statement (2012) as making a positive contribution, where unsympathetic alteration will be resisted.
8. The proposed development would involve the removal of the majority of the existing tiled roof slopes and its replacement with a flat 'living' roof. Part of the roof slopes at each end of the roof would be retained. Although the views of the development, and the partial loss of the roof, would be limited to those from the upper floors of the rear of properties on Methley Street, the uniqueness of the roofs to such properties rests in their entire form and goes beyond the end sections or simply just what is visible. The KCA Statement (2012) recognises that the removal of historic roof structures and their replacement with different designs should be avoided as roofs often contribute to the special character of a building, its group value, and the wider character of the area.
9. In this part of the KCA the homogeneousness of the unaltered London roofs is a positive characteristic of the area, where such roofs are recognised for their important local distinctiveness. The proposed development, which would remove a significant section of the roof, would disfigure the roofscape and cause harm to this positive characteristic.
10. Whilst each application and appeal must be treated on its individual merits, allowing the appeal could be used in support of similar roof alterations. I consider that this is not a generalised fear of precedent, but a realistic and specific concern given the shared characteristics with similar terraces in the area. Allowing this appeal would make it more difficult to resist further planning applications for similar developments, and I consider that their cumulative effect would contribute to an overall harm to the KCA which I have described above.
11. The proposed development would therefore fail to preserve or enhance the character and appearance of the KCA. It would be contrary to Policies Q5, Q11 and Q22 of the Lambeth Local Plan (2021). These policies require, amongst other things, that: the local distinctiveness of Lambeth should be sustained and reinforced; proposals should have a design which positively responds to the original architecture and roof form of the host building and other locally distinct forms (such as group characteristics); such features should be respected, and retained; and that development proposals affecting conservation areas will be permitted where they preserve or enhance the character or appearance of conservation areas by respecting and reinforcing the established, positive characteristics of the area.
12. The proposed development would also be contrary to guidance contained in the Building Alterations & Extensions Supplementary Planning Document (SPD) (2015) which outlines that London roofs are part of Lambeth's and London's local distinctiveness and the loss of such roofs on heritage assets will be resisted.

Other Matters

13. I acknowledge the environmental benefits that have been put forward, although it is unclear, particularly in relation to improved insulation, as to whether such benefits would be minor, moderate or significant. I am also not persuaded that the proposed development is the sole means of achieving such benefits. Although these factors limit the weight I can attach to them, they do, nevertheless, weigh in favour of the proposed development and would accord with the aims of Policy Q11 for developments to include energy efficiency improvements such as, improvements to thermal performance.
14. The appellant considers that the appeal should be judged solely on the policies that were in place at the time of their application and that the new policies contained in the Lambeth Local Plan (2021) should be set aside from the appeal process. The decision maker, be that at an appeal or application stage, has a statutory duty to consider the proposed development against the current development plan. For the purposes of the appeal, that is the Lambeth Local Plan (2021).
15. In response to the Council's recommended planning conditions, the appellant has suggested that they would be willing to move the green roof from the centre of the roof to the front. This is however not the development before me, and in considering the appeal I have only had regard to the plans before me.
16. The appellant has referred to their correspondences and frustration in dealing with the Council. These are not relevant matters for the appeal process and in determining the appeal I have only had regard to the planning merits of the proposed development.

Planning Balance and Conclusion

17. Having regard to paragraph 202 of the Framework, I find that the harm to the KCA is relatively localised, with limited visibility, and therefore the proposed development would cause less than substantial harm to the significance of the designated heritage asset. I do not, however, find that this harm is outweighed by the environmental benefits or any other public benefits of the proposed development.
18. The proposed development would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.
19. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR