



Appeal Decision

Site visit made on 21 January 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th February 2022

Appeal Ref: APP/N5660/W/21/3278263

Flat 2, 71 Kellett Road, London SW2 1EA

- 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 Tomas Fernandez against the decision of London Borough of Lambeth.
 - The application Ref 21/00186/FUL, dated 18 January 2021, was refused by notice dated 1 April 2021.
 - The development proposed is a roof terrace and all associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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).
3. 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 Issues

4. The main issues are the effect of the proposed development on 1) the character and appearance of the host property and the surrounding area, and 2) the living conditions of the occupiers of nearby residential properties with regard to noise, disturbance and outlook.

Reasons

Character and appearance

5. The appeal property comprises part of a three-storey terraced block and consists of the second floor and converted roof-space of no. 71 Kellett Road. It is situated in a predominantly residential area where the majority of properties include three-storey outriggers running perpendicular to the main body of the terrace that sit below the eaves of the roof of the main body of the terrace.

6. The proposed roof terrace would be sited on top of the existing outrigger and would incorporate an opaque glazed screen on three sides. It would sit above the eaves level of the main roof of the terrace, and above the small parapet that runs along the ridge of the outrigger.
7. Although the proposed development would not be readily visible from the public realm, it would be highly noticeable from surrounding residential properties that look onto the appeal property. Due to its overall bulk and massing in such an elevated position, the proposed development would constitute an incongruous and alien feature.
8. I acknowledge that planning permission¹ has been granted for a similar form of development to 65 Kellett Road and I was able to see this installation on my site visit. The evidence shows however, that the installation to no. 65 is significantly different to the appeal proposal, whereby that roof terrace is partially sunken into the roof of the outrigger and sits below the eaves of the main roof of the terrace. This has resulted in the roof terrace as a whole appearing less prominent and harmful than, otherwise would, the proposed development.
9. The Council have expressed concern over the impact on the locally distinct roofscape and the characteristic feature of the pitched roofs of the outriggers. Given the examples to which I have been referred, in particular the example at no. 65, the significance of the roofscape has been somewhat gradually eroded. I consider that any harm in this regard to be relatively minor and secondary to the specific siting and design of the proposed development.
10. Nevertheless, I conclude that due to its siting and design, the proposed development would have an unacceptable impact on the character and appearance of the host property and the surrounding area. It would be contrary to Policies Q5, Q8 and Q11 of the Lambeth Local Plan (2021). Collectively, these policies seek to ensure that developments are visually attractive, be of a design which positively responds to the original architecture, including roof form, of the host building.

Living conditions

11. I observed on my site visit that the outdoor areas to the rear of the properties are used as private amenity space. The rear elevation of the terrace also contains a number of windows.
12. There is no evidence to suggest that the roof terrace would not be used in a manner otherwise akin to the amenity space of surrounding properties. Although some noise may be noticeable from the occupants sitting out on the terrace, it would be of a nature not uncommon in a residential area such as this, despite that it would emanate from an elevated position.
13. No evidence is submitted to demonstrate that there would be unacceptable harm caused in terms of noise and disturbance. In terms of the proposed development, due to its relatively small area and the fact that it is solely for domestic purposes for the enjoyment of the host property, I do not consider that it would result in unacceptable levels of noise and disturbance. The presence of the opaque glazed screen would also serve to partially alleviate noise breakout.

¹ Planning Application Ref 20/00540/FUL

14. The balustrade would be visible from the rear windows of no. 69 Kellett Road. However, given that the balustrade would only project along a relatively short section of roof, closest to the main body of the terrace, when combined with the reasonable degree of separation from the windows of no. 69, and that the balustrade will be formed of glass, albeit opaque, I do not consider that unreasonable harm would be caused to the outlook from this property.
15. Therefore, the development would not have an unacceptable impact on the living conditions of occupants of neighbouring dwellings with regard to noise, disturbance and outlook. It would comply with Policy Q2 of the Lambeth Local Plan (2021) which requires that developments provide acceptable outlook, avoiding any undue sense of enclosure, and reduces the impact of noise.

Other Matters

16. I acknowledge that the development would provide a no doubt welcome addition of some outdoor amenity space for the dwelling. The appellant has referred to the significance of this in light of the Covid-19 pandemic. Given that restrictions have been eased, this factor is of limited weight in this regard, although I do consider that the provision of amenity space weighs in favour of the proposed development. It does not, however, outweigh the harm that I have identified would be caused to the character and appearance of the host property and the surrounding area.
17. The appellant has referred to examples of existing roof terraces in the surrounding area. I have considered these in my decision. I do not however find that any of the examples display the exact same characteristics as the proposed development, and whilst I have given weight to their existence, they do not provide a reason to allow the appeal.
18. The appellant considers that the proposed development would comply with Policy H2 of The London Plan 2021. Although I have not been provided with a full copy of the policy, the extract in the appellant's statement appears to relate to the provision of new homes. Either way, any compliance with this policy does not outweigh the harm that I have identified.
19. I have considered the previous appeal decision² at the property, that was also for a proposed roof terrace. It is apparent that there has been a material change in both the proposed development and the surrounding area since that decision. I have formed my own view on the proposed development based on the evidence before me.

Conclusion

20. The proposed development would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.
21. 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

² APP/N5660/W/19/3234993