



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: 17th February 2022

Appeal Ref: APP/N5660/W/21/3278900 20A Mandalay Road, London SW4 9EE

- 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 Matthew Johnston against the decision of London Borough of Lambeth.
 - The application Ref 21/01222/FUL, dated 24 March 2021, was refused by notice dated 19 May 2021.
 - The development proposed is described as alterations to an existing loft conversion by removing two small dormer windows and replacing with an L shaped mansard, to provide additional residential accommodation.
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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 Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal property is a first floor flat with roof level accommodation. It is located on a terrace of similar properties. It has two small dormer windows to the rear roof slope and rooflights to the front roof slope. Together with the ground floor flat, part of the property is made up of a two-storey rear outrigger.

6. The proposed development involves the replacement of the two rear dormer windows with an L shaped mansard roof that is positioned partly on the main roof and partly on the roof of the outrigger.
7. The outrigger sits lower than the main body of the rest of the building. It also has a shallower roof pitch. On my site visit I observed that together with the properties on Hambalt Road, although there are several dormer windows in the main section of the roof, the rear outriggers, which are a common feature to the surrounding properties, have largely unaltered roofs. This gives the properties a collective appearance of harmonious and subordinate outriggers that positively contributes to the character and appearance of the area.
8. The Council suggest that a rear mansard would, in principle, be acceptable on the property. There are also no objections raised in relation to the proposed rooflights to the front elevation. I have no reason to form a different view. However, due to the design, size and siting of the proposed mansard to the outrigger, it would appear incongruous and result in an uneasy relationship with the remainder of the property. It would harm the otherwise homogeneous roofscape and positive uniformity of the unaltered outriggers in this group of properties. This is despite the fact that it would not form part of the street-scene readily visible to the public.
9. The proposed development would therefore have an unacceptable impact on the character and appearance of the host property and surrounding area. It would be contrary to Policies Q5 and Q11 of the Lambeth Local Plan (2021) which require, amongst other things, that development proposals have regard to urban block and grain, built form (bulk, scale, height and massing) including roofscapes, and that roof additions and mansards will not be permitted where they would harm the architectural integrity of the original building or its group.
10. The proposed development would also be contrary to guidance contained in the Building Alterations and Extensions SPD (2015) which outlines, amongst other things, in order to maintain unity in terraces and groups, for rear mansard extensions, care must be taken with the design dimensions.

Other Matters

11. The appellant has set out how they consider the proposed development accords with the Draft Lambeth Design Code SPD – Part 4: Buildings Alterations and Extensions (2020). As the appellant has correctly highlighted, such guidance does not have the same force as the adopted local plan. Although it is suggested that the SPD would be adopted at the same time as the local plan, there is nothing before me to indicate that this is the case. Therefore, given that it is currently only draft guidance, it is of limited weight in the appeal.
12. The appellant has referred to cramped conditions in the existing loft-space in support of the appeal. During my site visit I saw that although the room had, in part, limited headroom, this is the very nature of roof level accommodation. I did not consider that it was unacceptably cramped, either way, this would not be a reason to allow harmful development.
13. The appellant has referred to the fact that the appeal property is not a listed building nor is it within a Conservation Area. The absence of harm on these matters is, however, a neutral factor in the balance.

14. As I have found the development to be contrary to an up-to-date development plan, the presumption in favour of sustainable development is not triggered in this case.

Conclusion

15. For the reasons given above, and having had regard to all other matters raised, I conclude that the development does not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

A M Nilsson

INSPECTOR