



Appeal Decision

Site visit made on 8 March 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday 23 March 2022

Appeal Ref: APP/N5660/W/21/3283753

First and Second Floor Flat, 13 Jeffreys Road, London SW4 6QU

- 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 Craig Hassell against the decision of London Borough of Lambeth.
 - The application Ref 21/01865/FUL, dated 11 May 2021, was refused by notice dated 6 July 2021.
 - The development proposed is creation of a roof terrace to the existing closet wing roof, lowering of rear window cil to create door for access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council adopted the new Lambeth Local Plan (LP) in September 2021. This replaces the 2015 and 2020 versions. The appellant's statement refers to the policies of the 2020 version, which would have been taken forward into the 2021 plan. I have determined the appeal based on the most up to date situation. In addition, the appellant's name has been corrected on the appeal form. I have referred to the spelling accordingly above.

Main Issue

3. The main issues are the effect of the proposal on a) the living conditions of the occupiers of 11 Jeffreys Road and Ferguson Mews, with specific regard to noise, disturbance and privacy and b) the character and appearance of the host building and the area.

Reasons

Living Conditions

4. The appeal site is a mid-terrace period property, divided into flats. The nearest neighbouring windows to the proposed roof terrace would be situated within the rear elevation of 11 Jeffreys Road. The terrace would also face the rear elevation windows, back gardens, and external terraces of Ferguson Mews.
5. The appellant has set out that the roof terrace would be used as outdoor space for the flat. Privacy screens of approximately 1.7m are proposed to the side elevations of the roof terrace.
6. The occupiers of the appeal site would have no other external space and would thus be reliant on the proposed terrace for external private space. Although the

proposed roof terrace would be relatively small and would be unlikely to facilitate large gatherings, it would be particularly close to two large sash windows, which accommodate functional spaces at No 11. The proposed privacy screens would mitigate views back towards these windows to an acceptable level, however, they would not adequately attenuate noise and disturbance from the frequent use of the proposed terrace. Accordingly, although the neighbours' privacy would be safeguarded, the formation of the terrace and its use, together with its proximity to the windows would result in an unacceptable level of noise and disturbance to the neighbouring occupiers at No 11.

7. It is indicated by the appellant that the potential for noise pollution from the roof terrace would be no greater than if a neighbour wishes to make more of their outdoor space, resulting in greater levels of noise. Although I acknowledge that a certain level of noise from neighbours in urban areas must be expected, I do not agree that making more use of an existing garden is comparable. In this instance, the close proximity of the roof terrace to a window serving a functional space, and the lack of any reliable noise mitigation, would lead to an unacceptable increase in noise and disturbance that would be harmful to the neighbours' living conditions.
8. The proposed roof terrace would be closer to Ferguson Mews than the existing windows in the rear elevation of the appeal site. However, the distance would be comparable to the prevailing situation between Ferguson Mews and the existing windows in the rear elevation of the closet wings, as well as some of the approved balconies and terraces on Jeffreys Road. Noting the varied, and in certain instances closer knit distances than the proposed situation, the level of overlooking to Ferguson Mews from the proposed terrace would not lead to any increased loss of privacy to these neighbours.
9. Notwithstanding the fact that the proposal would be appropriate in respect of privacy, the proposed development would still cause unacceptable harm to the neighbours living conditions at No 11 by virtue of noise and disturbance. As such, the proposal would not accord with Policy Q2 of the LP, in so far as the as the adverse impact of noise has not been reduced to an acceptable level using attenuation, distance, screening and or layout/orientation.

Character and Appearance

10. The rear street scene at Jeffreys Road is made up of three storey period properties with pitched roofs, timber sash windows and two storey flat roof closet wings. However, to the south and east of the appeal site, contemporary flatted developments have been constructed on the corner of Jeffreys Road and to the rear at Ferguson Mews. As such, the rear street scene is characterised by a mix of modern and traditional buildings, some with roof terraces, railings, and glass balconies.
11. The proposed development would introduce a roof terrace on the top of the existing closet wing. The area of space would be small and enclosed by a metal railing with glazed privacy screens to the side. The existing window above the closet wing would be replaced with a door and external steps.
12. The closet wing would not be altered in scale, height or footprint, and the replacement door opening would be of a shape, form and design that would be sympathetic to the features of the period property. Furthermore, the use of a traditional metal railing would also be an appropriate and sympathetic use of

material to form the balustrade. For this reason and in the above context, the proposed terrace, railings, and glass privacy screens would not appear as an odd or discordant feature that would detract from character and appearance of the host building.

13. The proposed development would not, therefore, be harmful to the character and appearance of the property or its immediate surroundings, complying with Policies Q5 and Q11 of the LP and the Lambeth Building Alterations and Extensions Supplementary Planning Document (SPD). These policies and guidance, seek to ensure that closet extensions of early to mid-19 century are retained, and developments have a creative response to the local distinctiveness of the area and respond to the original architecture of the host building.

Other Matters

14. I understand that the appellant feels frustrated with the lack of communication with the Council on their application. Nonetheless, the conduct of the Council and the lack of communication received is not a matter that affects my findings on the main issues in this case. It is an administrative matter that should be addressed directly with the Council, separate to this appeal.

Planning Balance and Conclusion

15. It is argued that the proposal would make effective use of the property within its current footprint and is a solution to meet the need of residents for safe and private outdoor space. The proposal would also create work for those local builders and/or tradesmen hired to complete the development. Whilst I attribute these benefits modest weight, they would not outweigh the harm to the neighbours living conditions, contrary to the Development Plan and the National Planning Policy Framework. I attach substantial weight to these matters.
16. Whilst I have found no harm to the character and appearance of the site and area, this is a neutral effect and as such would be incapable of outweighing the impact upon the neighbouring occupiers living conditions with regard to noise and disturbance. Accordingly, the proposed development would be contrary to the aims of the development plan policies set out above. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan. The appeal should therefore be dismissed.

M. P. Howell

INSPECTOR