



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: Tuesday 29 March 2022

Appeal Ref: APP/N5660/W/21/3285819

6 Poynders Road, Flat 4, London SW4 8NX

- 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 Miss A Strachan against the decision of London Borough of Lambeth.
 - The application Ref 21/02050/FUL, dated 14 May 2021, was refused by notice dated 5 August 2021.
 - The development proposed is installation of dormer to rear elevation; installation of glass balustrades to existing terrace
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the original decision, The Lambeth Local Plan 2020-2035 has been adopted by the Council in September 2021. This replaces the Lambeth Local Plan (2015) and 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 newly adopted Lambeth Local Plan (2021).

Main Issue

3. The main issues are:
 - The effect of the proposal on the character and appearance of the site and area; - and
 - The effect of the proposal on the living conditions of neighbouring occupiers at Poynders Road and Rudloe Road, with regard to noise, disturbance and privacy.

Reasons

Character and Appearance

4. The appeal site is a flat situated in the upper floors of 6 Poynders Road, an end-terrace property that has been converted to several flats. The area is largely residential, and the terrace is characterised by large two storey period properties finished in red brick, with bay window projections and pitched roofs. The rear roofscape of the appeal site and the existing terrace have been subject to some change, but, in the main, the two storey closet wings remain unaltered, and roof extensions are largely flat roof dormers extending from the rear roof

planes. The retention of the unaltered closet wing, together with the sympathetic roof extension and materials at the site, preserve the character and appearance of the area. The side and rear of the appeal property and parts of the rear terrace are visible from locations outside the site on Rudloe Road.

5. The proposed dormer would extend from the rear elevation wall, breaking through the eaves to sit above the closet wing. French doors would provide access and privacy screens are proposed to the side in translucent glass. The end elevation and part of the return would be enclosed by a lower, clear glazed balustrade.
6. Although the proposed dormer would be small with a flat roof, the vertical extension of the wall to form the dormer, together with the inclusion of French doors at first floor level would lead to a development that would detract from the character and appearance of the existing building. Furthermore, the siting and height of the privacy screens would result in a clumsy arrangement where the screens would meet the rear elevation of the host property and exceed the eaves height. The impact of this arrangement would be exacerbated by the use of translucent glass, which would be at odds with the period property. Accordingly, the siting, design and prominence of the screens, together with the use of translucent glass would further detract from the character and appearance of the property and its surroundings.
7. In support of the appeal, the appellant has indicated that there are roof terraces attached to a contemporary development on the opposite side of Rudloe Road. However, given the differences in these roof terraces and the proposal before me, they do not alter my findings in respect of the proposal's harmful design and impact on the host building.
8. In conclusion, the proposed terrace would be harmful to the character and appearance of the site and the area, contrary to Policies Q2, Q5, Q8 and Q11 of the Lambeth Local Plan 2021 (LP) and the Lambeth Building Alterations and Extensions Supplementary Planning Document 2015 (SPD). These policies and guidance, seek to ensure that schemes are all schemes are designed to be visually attractive and closet extensions of early to mid-19th century are retained, with developments responding creatively to the local distinctiveness of the area as well as the original architecture of the host building.

Living Conditions

9. The two dormers in the roof are part of the appeal property, but a first-floor window to the right-hand side of the proposed terrace, serves Flat 3, 6 Poynders Road. The proposed roof terrace would face the side elevation of 2 Rudloe Road, which has a largely blank side elevation other than one small window in the rear annex. 2A Rudloe Road appears as a converted garage/coach house to the rear of 6 Poynders Road. It extends the width of the garden and has rooflights below the existing closet wing. To the side is the rear elevation of 5 Poynders Road, where there are windows serving a number of flats.
10. The proposed privacy screens would mitigate overlooking to a degree, but they would not extend the full depth of the terrace. The lower, clear glazed balustrade would allow users of the proposed terrace to look back towards the window serving Flat 3. The increased overlooking from the terrace back towards the window would result in an undue loss of privacy for the neighbours at Flat 3.

The distance between the proposed roof terrace and the side elevation of 2 Rudloe Road, and the roof of 2A Rudloe Road, would be comparable to the distance from the existing window in rear elevation of the closet wing. While the roof terrace would be slightly elevated, the change in height would not result in any more meaningful views, above and beyond the existing situation, that would impact on the neighbours' privacy at 2 Rudloe Road or 2A Rudloe Road.

11. The terrace would be predominately used by the occupants of the flat and given its size it would be unlikely to facilitate large gatherings. However, the roof terrace would still be close to the rear window of Flat 3 and the rooflights accommodating the flat at 2A Rudloe Road. The proximity of these openings to the terrace, coupled with its use, even for small gatherings, would result in an unacceptable level of noise and disturbance to the neighbouring occupiers in Flat 3 and 2A Rudloe Road. Without any evidence to indicate otherwise, my judgement is that the privacy screens would not provide sufficient mitigation to the noise and disturbance that would be experienced by these neighbours.
12. The appellant has pointed out that the terrace has been used for several years and the Council has issued a certificate of lawfulness that sets out that the current use of the terrace is considered not to be development.¹ The appellant considers that the fall-back position allows for the use of the roof as a terrace without privacy screens. This would result in a more harmful impact to the neighbours living conditions than the proposal before me.
13. However, the current use of the roof terrace is severely restricted by the lack of any enclosures to make it safe, and the small and awkwardly positioned window that is used to access it. The formation of the doorway and erection of enclosures would result in a safer and more accessible terrace, which would lead to an increased use of the space by the occupants and potentially visitors. Furthermore, as indicated above, the proposed screens do not fully protect the neighbours from undue privacy or increased noise and disturbance. Accordingly, while the roof could be used as a terrace, the proposed works would be likely to result in a more frequent and, therefore, more harmful use than the fall-back position.
14. In conclusion, the proposed development would have a harmful effect on the living conditions of neighbouring occupiers at Flat 3, 6 Poynders Road with regard to noise, disturbance, and privacy, and at 2A Rudloe Road with regard to noise and disturbance. As such, the proposal would not comply with Policy Q2 of the LP, in so far as the adverse impact of noise, disturbance and privacy has not been reduced to an acceptable level through the use of attenuation, distance, screening and or layout/orientation.

Other Matters

15. I have had regard to the all the concerns raised in representations, including matters relating to overdevelopment, overbearing, loss of outlook and overshadowing. However, insofar as planning considerations are concerned, I am satisfied that the proposal would not result in an overdevelopment of the existing site, and it would be acceptable in respect of neighbouring impacts on light and outlook.

¹ 20/04158/LDCE

Planning Balance and Conclusion

16. The appellant outlines that the proposal will help to ensure that existing and future occupants are provided with a safe and attractive outdoor amenity area, representing a social benefit to existing and future occupants. I acknowledge the contribution that the roof terrace would make to the existing and future occupants, as well as the economic benefits from the construction of the roof terrace, in terms of additional expenditure in the local economy and the creation of construction jobs. Whilst I attribute these benefits modest weight in the overall planning balance, they do not outweigh the harm to the character and appearance of the site and its surroundings as well as the harm to neighbours' living conditions, contrary to the development plan and the National Planning Policy Framework.
17. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

M. P. Howell

INSPECTOR