



Appeal Decision

Site visit made on 31 March 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th April 2022

Appeal Ref: APP/N5660/W/21/3278451

Flat 4, 39 Gauden Road, London SW4 6LR

- 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 Tiffany Morgan against the decision of London Borough of Lambeth.
 - The application Ref 21/01315/FUL, dated 30 March 2021, was refused by notice dated 18 June 2021.
 - The development proposed is to create a roof terrace at the rear of the property.
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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 1) whether the proposed development would preserve or enhance the character and appearance of the Sibella Road Conservation Area (SRCA) and 2) the effect of the proposed development on the living conditions of the occupiers of nearby residential properties with regard to privacy and noise and disturbance.

Reasons

Character and appearance of SRCA

5. The appeal property is a top floor flat of a four-storey, end of terrace building. The existing building comprises four flats where two of the flats have existing roof terraces at first and second floor levels at the rear of the building. The appeal property is within the Sibella Road Conservation Area that is

characterised as forming a residential area with a regular street pattern of mid-to-late-19th century grand terraced and semi-detached houses.

6. The proposed development involves the creation of a new dormer that would incorporate a doorway leading onto the proposed roof terrace. The dormer would break through the existing eaves of the property and incorporate a semi-circular header to match that of the smaller existing dormer window that is located further up the roof slope. The roof terrace would be positioned on top of the existing four storey outrigger and would incorporate a balustrade similar to the existing roof terraces on the building.
7. The proposed dormer would unceremoniously break through the eaves line of the property creating an incongruous and uncharacteristic feature which given its elevated position would be highly prominent when viewed from Bromfelde Road street level. Through the use of a semi-circular header, I appreciate that it has been designed to reflect the form of the existing dormer window. It would, however, be a significantly greater incursion into the roofscape than the existing dormer window and is altogether of a different size and siting. This does not, therefore, justify the harm that would be caused.
8. The proposed railings would also be in a highly prominent position where due to their design and siting at such a high level would also appear prominent and incongruous. When combined with any outdoor paraphernalia that would be placed on the terrace, the railings would result in visual clutter at a prominent height that would be visible from Bromfelde Road. I observed that there are other examples of roof terraces in the immediate area, including on the building in which the appeal property is located. These are however in different settings. I have also, in any event, determined the appeal on its own individual planning merits.
9. I acknowledge that the trees on Bromfelde Road would screen the development to some extent, however as I observed on my late March site visit, this would not be at all times of the year.
10. The proposed development would therefore fail to preserve or enhance the character and appearance of the SRCA. 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.
11. The proposed development would also be contrary to guidance contained in the Building Alterations & Extensions Supplementary Planning Document (SPD) (2015) which outlines that for new dormers on sensitive buildings (including heritage assets) they should be of modest size and aligned with the openings below and that roof terraces and roof balconies on building types where they would be uncharacteristic or on street facing roofs will be resisted.

Living conditions

12. The proposed development would allow for a greater range of views than those which are currently permissible. These would primarily be towards the rear gardens, and roof terraces of properties surrounding the appeal property.
13. Although the views would be at a higher level than the existing roof terraces on the building, I do not consider that they would expose any occupants of surrounding residential properties to any greater overlooking than is currently the case.
14. On the matter of noise and disturbance, there is no substantive evidence to suggest that the roof terrace would not be used in a manner otherwise akin to the amenity space and roof terraces of surrounding properties. Due to its relatively small area and the fact that it is solely for domestic purposes for the enjoyment of the existing property, I do not consider that it would result in unacceptable levels of noise and disturbance.
15. 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.
16. Therefore, the development would not have an unacceptable impact on the living conditions of occupants of neighbouring dwellings with regard to privacy and noise and disturbance. It would comply with Policy Q2 of the Lambeth Local Plan (2021) which requires that developments provide acceptable standards of privacy and reduces the impact of noise.
17. The proposed development would also comply with guidance contained in the Building Alterations & Extensions SPD (2015) which outlines that for roof terraces consideration should be given to the protection of amenity.

Planning Balance and Conclusion

18. Having regard to paragraph 202 of the Framework, I find that the harm to the SRCA is relatively localised, 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 provision of external amenity space for the host property or any public benefits of the proposed development.
19. The proposed development would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.
20. 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