



Appeal Decision

Site visit made on 1 April 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday 6 May 2022

Appeal Ref: APP/N5660/W/21/3287580

174 Hailsham Avenue, London SW2 3AJ

- 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 Ms J Lear against the decision of London Borough of Lambeth.
 - The application Ref 21/02974/FUL, dated 26 July 2021, was refused by notice dated 7 October 2021.
 - The development proposed is described as 'Enlarged rear dormer and new first floor window'.
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Decision

1. The appeal is dismissed insofar as it relates to the new first floor window. The appeal is allowed, however, insofar as it relates to the enlarged rear dormer and planning permission is granted for an enlarged rear dormer at 174 Hailsham Avenue, London SW2 3AJ in accordance with the terms of the application, Ref 21/02974/FUL, dated 26 July 2021, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Plan (dated: July 23, 2021); and
 - Proposed Plans Sections & Elevations (Drawing Number: ST_JUL21_174 HAI_002, dated July 2021)
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host dwelling and surrounding area, including the Leigham Court Estate Conservation Area (CA).

Reasons

3. From my observations during the site visit and the evidence before me, including the Leigham Court Estate Conservation Guidelines Supplementary Planning Guidance, the significance of the CA lies in both its history, as an early model estate, and its architectural quality. The CA is characterised by

predominantly 19th Century residential dwellings laid out in a formal grid pattern of long terraces. Hailsham Avenue is one such terrace and properties on this street share a strong building line and architectural composition. As such, the CA has a pleasant, unified character and appearance.

4. The appeal property is a first floor flat situated in a two-storey end of terrace building. The rear elevations of many of the terrace properties in the CA are not visible from public vantage points. However, due to the appeal site's end of terrace position, alongside the nature of buildings to its rear, there are prominent views of the rear of the appeal site from Mountearl Gardens.

Enlarged dormer

5. The original dormers on many properties within Hailsham Avenue, and the wider CA, have been altered or replaced. The nearby dormers vary in their materials, scale and fenestration arrangement. As such, they differ significantly in form, despite properties within the CA overall displaying a general consistency in appearance. However, the nearby dormers are generally set down a significant distance from the ridge of the host roof. Therefore, the dormers appear subordinate to their host properties.
6. Despite its enlarged width, the proposed dormer would have a similar height and distance from the ridge of the roof compared with the existing dormer. As such, it would remain subordinate to the host property and sit well within the building's roof slope. It therefore conforms to the principles established with the Council's Building Alterations & Extensions Supplementary Planning Document (2015).
7. Whilst the proposed dormer would contain a greater number of windows than other dormers in the near vicinity it would still represent a sympathetic addition to the character of the host property. This is due to the proposed use of matching materials, its overall height and subordinate nature, alongside the scale and arrangement of its fenestration mimicking the corresponding elements in the existing dormer. The proposed dormer would therefore not harm the character or appearance of the host building, nor would it be an intrusive feature in the wider roofscape that would diminish the pleasant, unified character of the CA.
8. Consequently, the proposed enlarged rear dormer would not have a harmful effect on the character and appearance of the host dwelling or surrounding area. It would therefore preserve the character and appearance of the CA and avoid harm to its significance. The proposed enlarged rear dormer would thus comply with Policies Q2, Q5, Q11 and Q22 of the Lambeth Local Plan 2020 - 2035 (adopted 2021) (the 'Local Plan'). Taken together, and amongst other things, the policies seek to ensure that new development is sensitive to the character and appearance of its surroundings and avoids harm to the significance of heritage assets. The development is also in accordance with the London Plan (2021) in respect of its policies on design and heritage.
9. The proposals would also be in line with the guidance contained within the Building Alterations and Extensions SPD (2015) and Leigham Court Estate Conservation Guidelines Supplementary Planning Guidance. Together these documents, amongst other matters, advise that dormer window should be subordinate in nature and that the prevailing character of the area should be respected.

First floor window

10. The addition of a first floor window in the rear elevation, would not follow the highly consistent rhythm of fenestration across the rear returns of properties in the terrace. Despite the proposed window reflecting the scale and design of existing fenestration within the appeal building, its proposed position would disrupt the uniformity present within the terrace. It would therefore represent an incongruous addition that would harm the architectural integrity of the host and neighbouring properties, thereby causing harm to the character and appearance of the CA.
11. Consequently, the proposed first floor window would harm the character and appearance of the host dwelling and surrounding area, and would fail to preserve or enhance the CA.
12. For the purposes of the National Planning Policy Framework (the Framework) the CA is a designated heritage asset. Given the limited scale of development, the level of harm to the significance of the CA from the proposed window would be less than substantial. However, any harm to the significance of a designated heritage asset should be given great weight and in accordance with paragraph 202 of the Framework, weighed against the public benefits of the proposal.
13. In this instance there would be no defined public benefits arising from the proposal that would outweigh the harm to the CA.
14. Furthermore, this particular aspect of the proposal would be contrary to Local Plan Policies Q2, Q5, Q8, Q11 and Q22. Together, amongst other matters, these policies seek to ensure that new development is sensitive to the character and appearance of its surroundings and avoids harm to the significance of heritage assets. In addition, this element of the proposal would fail to meet the requirements of Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 insofar as it relates to heritage assets.

Other Matters

15. The Council has raised concerns that the proposed dormer would set a precedent for similar developments within the area. However, each development proposal should be considered on its own merits. In this instance, the proposed enlarged dormer would cause no harm to the character, appearance, or significance of the conservation area. As such, it would not create a precedent for other similar developments that would cause harmful effects in these regards. In this respect, the appellant has provided details of a nearby development within the CA that was relatively recently approved by the Council (ref: 20/02761/FUL). That permission also involved an enlarged rear dormer and creation of new window openings. That previous permission clearly has not set a precedent for the Council's determination of the current proposal, and given the differences in site contexts, nor should it necessarily have.

Conditions

16. I have considered the suggested conditions and amended as necessary in the interests of precision and clarity, as well as to comply with advice in the Planning Practice Guidance.
17. A condition to ensure compliance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.

18. A condition regarding materials is necessary in the interest of the appearance of the development and the character and appearance of the CA. This condition has been simplified from that suggested by the Council as the proposed rear window element of the scheme has not been approved. As such, many of the details that would have been requested are not necessary.

Conclusion

19. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed insofar as it relates to the enlarged rear dormer, but dismissed insofar as it relates to the first floor rear window.

Lewis Condé

INSPECTOR