
Appeal Decision

Site visit made on 17 May 2022

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26TH May 2022

Appeal Ref: APP/N5660/D/22/3293624

2A Avon Villa, Shakespeare Road, London, SE24 0LB

- 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 Driton Rexha against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 21/03868/FUL, dated 4 October 2021, was refused by notice dated 14 December 2021.
 - The development proposed is Summer house lowered and reduced in size and repositioned within the site, works to boundary and rooflights to main dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the host dwelling and surrounding area, including the Poets Corner Conservation Area; and
 - The effect of the proposal on the living conditions of the occupiers of the host dwelling, with particular reference to outlook and light.

Reasons

Character and appearance

3. The appeal property is a detached bungalow, located within Poets Corner Conservation Area (CA). The CA comprises of mid-late 19th century housing displaying a range of typical suburban detailing, including brickwork, stucco, and design features influenced by various historical styles. The CA comprises of straight streets of two and three storey semi-detached and terraced houses set behind front gardens with longer gardens to the rear. Planting within the front gardens and street trees contribute to the character of the area.
4. The appeal property is a detached bungalow which is located within a constrained plot on land which would have originally formed part of 37 Dulwich Road's rear garden. The existing bungalow is at odds with the character and appearance of the CA, although its front elevation is set back to respect the building line on Shakespeare Road.

5. The appeal proposal relates to a single storey outbuilding, described as a summer house, that has been constructed to the front of the dwelling. The building has been the subject of several previous planning applications and two recent appeal decisions¹, both of which were dismissed. The most recent appeal on the site was for the 'summer house lowered and repositioned within site, works to boundary and rooflights to main dwelling.' This appeal was dismissed in September 2021. Due to the similarities between the proposals, this decision is clearly an important material consideration.
6. Following the most recent appeal decision (the previous appeal), the proposal has been amended, including a further reduction in the height of the outbuilding and reducing its length by 1.5m. As with the previous appeal proposal, the building would be re-sited, such that a distance of 1.25m would be provided between the front elevation of the house and the building. The height of the front boundary would also be raised to a height of 2.1m and two rooflights to the main bungalow are also proposed.
7. The proposed outbuilding would have a reduced height of 2.15m. I acknowledge that it would be partly screened by the proposed front boundary comprising of a low brick wall with fencing above to an overall height of 2.1m. However, views of the building would still be obtainable, particularly when the gates to the dwelling are open. Whilst the proposed building would be smaller than that previous considered at appeal, I nonetheless consider that its siting in the restricted space to the front of the dwelling and directly adjacent to the front boundary, would be at odds with the pattern of development in the area.
8. Furthermore, I consider that the flat roof design of the building together with the use of materials such as white UPVC windows, timber panelling and glass reinforced plastic roofing would not be reflective of the CA. Overall I find that the proposal, due to its siting, design and materials would be over dominant and incongruous and would have a negative effect on the character and appearance of the host dwelling and the surrounding area, including the CA.
9. Whilst the proposed building would be subordinate in size and scale to other built form in the locality, including the adjacent terrace, I nonetheless consider for the above reasons that it would be harmful to the character and appearance of the host dwelling and the CA. I also acknowledge that the highway alignment and the topography and landscape features would not change, however this does not outweigh the harm I have already identified to the character and appearance of the area.
10. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) is of considerable importance and weight. Paragraph 197 of the Framework states, amongst other things, that the desirability of new development making a positive contribution to local character and distinctiveness should be taken into account in determining applications. Paragraph 199 of the Framework also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
11. For the above reasons, the proposal would have a negative effect on the significance of a designated heritage asset and would result in "less than

¹ Appeal refs. APP/N5660/D/20/3244930 and APP/N5660/D/21/3270681

substantial” harm in the words of the National Planning Policy Framework. No significant public benefits have been put forward to weigh against this harm.

12. In conclusion on this main issue, the proposal would have a harmful effect on the character and appearance of the host dwelling and the surrounding area. It would therefore fail to preserve or enhance the Poets Corner CA. Hence, the appeal proposal would fail to satisfy the requirements of the Act, paragraphs 197 and 199 of the Framework and conflicts with the design and heritage aims of Policies Q5, Q5, Q14 and Q22 of the Lambeth Local Plan (2021) (LLP) and the Building Alterations and Extensions SPD (2015).

Living conditions

13. The existing bungalow is positioned adjacent to the rear boundary of the site such that all windows are on the front elevation, facing Shakespeare Road.
14. The proposed outbuilding would be reduced in depth compared to the existing structure. However, according to the submitted floor plans, it would be directly to the front of the main bedroom within the property (labelled Bed 1) and would also be close to the window of bedroom 2.
15. As stated above, there would be a separation distance of 1.25m between the front elevation of the bungalow and the proposed re-sited outbuilding. Each bedroom would be provided with a rooflight on the front roof slope of the bungalow, to provide light and ventilation. I am satisfied that the proposed roof lights, together with the small reduction in the overall height of the outbuilding, would ensure an acceptable level of light for the occupiers of the bungalow.
16. Policy Q2 of the LLP states that development will be supported where (amongst other matters) adequate outlooks are provided avoiding wherever possible any undue sense of enclosure.
17. Notwithstanding the proposed re-siting of the building together with the proposed reduction in height and depth, the building would continue to unacceptably dominate the outlook from bedroom 1. This would lead to an unacceptable sense of enclosure and the occupiers of this bedroom would not be provided with the degree of outlook which could reasonably be expected. Whilst there would also be some effect on bedroom 2, the re-siting of the outbuilding and its reduction in depth would result in a satisfactory outlook from this bedroom window.
18. The appellant states that there are many examples of extensions to dwellings, which result in rooms and habitable spaces becoming internal and without natural light. However, no specific examples are provided. I am, in any event, required to determine the appeal on its own merits. Whilst I acknowledge that the current occupiers of the property may find the juxtaposition between the dwelling and outbuilding satisfactory, I am also required to take account of the living conditions of future occupiers of the dwelling.
19. I therefore conclude that whilst there would be no harm to living conditions in terms of light, the proposed development would have an unacceptable effect on the living conditions of the occupiers of the host dwelling with particular reference to outlook. Accordingly, the proposal would be contrary to Policy Q2 of the LLP which seeks to protect the living conditions of existing and future occupiers.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Davis

INSPECTOR