



Appeal Decision

Site visit made on 7 June 2022

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2022

Appeal Ref: APP/N5660/W/21/3288538

First Floor Flat, 31A Kemerton Road, London SE5 9AR

- 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 Tom Leach against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 21/02986/FUL, dated 27 July 2021, was refused by notice dated 30 September 2021.
 - The development proposed is a roof terrace over rear outrigger.
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Decision

1. The appeal is allowed and planning permission is granted for a roof terrace over rear outrigger at First Floor Flat, 31A Kemerton Road, London SE5 9AR in accordance with the terms of the application Ref 21/02986/FUL dated 27 July 2021 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Unless otherwise amended under the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: 21532_P01, 21532_P02, 21532_P03, 21532_P06 and 21532_P07.
 - 3) All new external work and finishes and work of making good shall match those used in the existing building in respect of the materials, colour, texture, profile and finished appearance, except where indicated otherwise on the approved plans or unless otherwise required by condition.
 - 4) The roof terrace hereby permitted shall not be used or accessed, other than for emergency egress, until the obscure glazed balustrades shown on the approved drawings have been fully implemented to a minimum height of 1.7m above the floor of the terrace and a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3. The approved balustrades shall thereafter be retained for the duration of the development.

Preliminary Matter

2. Although I note that a slightly different description of development is given on the Council's decision notice and the appeal form, I have no confirmation that the appellant agreed to the change from the description stated on the planning application form. I have therefore used this original description in the banner heading and my formal decision above.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. Kemerton Road and Bicknell Road which runs to the rear of the appeal site are generally characterised by terraced properties of similar architectural designs and proportions resulting in a strong degree of uniformity to the street scenes. The appeal proposes a terrace above part of the outrigger to 31 Kemerton Road to serve the first floor flat.
5. The development would be the only terrace on this part of the street, and while it would be to the rear of the site, it would be visible from Bicknell Road as well as from surrounding properties. In this regard, I note comment within the Building Alterations and Extensions Supplementary Planning Document 2015 (SPD) that roof terraces and roof balconies will be resisted where they would be uncharacteristic or on street facing roofs. However, while it provides an indicator of what may be acceptable, the guidance in the SPD is just that, and it is important to take into account the specific circumstances of this site and proposal.
6. The obscure glass panels enclosing the terrace would largely screen the proposed door onto the terrace to view from vantage points outside of the site. The panels themselves would be much lower than the main roof of the host building, and would sit below the second-floor windows of the appeal dwelling and the masonry to the chimney over the outrigger on the boundary with 32 Kemerton Road. In addition, the sloping part of the existing outrigger roof is already truncated with a flat section closest to the main rear elevation of the building. The terrace would replace more of the sloping roof, but it would not extend the full depth of the outrigger. A sloping section of roof would be retained to the deepest part of the outrigger and would ensure that its original form which is a distinctive feature of many properties nearby would still remain readable. These factors would help to reduce the visual impact and prominence of the development, and I find that it would be clearly subordinate to the host building.
7. Moreover, the adjacent building at 30 Kemerton Road does not include an outrigger, and I saw that many properties nearby have varied alterations and roof extensions to the rear. These include some that extend out above outrigger roofs, both within the host terrace and on end of terrace properties on corners close to the site. The development would be seen alongside these examples and against the existing variety in the rear form and roofline of the host terrace. In this context, I am satisfied that the proposal would not harmfully disrupt the existing rhythm or integrity of the group.
8. While it would be visible and the only such feature locally, I find having specific regard to the above factors in combination that the development would not in this case be incongruous or overly conspicuous. In my judgement, the proposal would be a subservient addition that would not cause undue detriment to the architecture, character or appearance of the host building or area.
9. Accordingly, I conclude that the proposal would not unacceptably harm the character or appearance of the host building or area. I consider that a

departure from the guidelines in the SPD would be justified in this case, and I find no conflict with Policies Q2, Q5, Q8 or Q11 of the Local Plan 2021. Amongst other things, these policies broadly require development that sustains and reinforces local distinctiveness and visual amenity, and extensions that are subordinate and that respond positively to the original architecture, roof form, detailing, and fenestration of the host building and other locally distinct forms.

Other Matters

10. Views from the terrace towards neighbouring windows and gardens would be restricted by the indicated obscure glazed panels, and I am satisfied that it would not cause unacceptable overlooking or loss of privacy for neighbouring occupiers. I appreciate that the terrace would be at second-floor level and formed of hard materials. Nevertheless, it would be of relatively small size, particularly in comparison to gardens to many nearby dwellings, and I do not consider that its use in association with a single dwelling would be likely to result in excessive or significantly out of the ordinary levels of noise or disturbance so as to unacceptably harm the quality of life of neighbouring occupiers.
11. I have noted concerns that the appeal could set a precedent for other similar developments. However, I have found that the proposal would be acceptable having specific regard to the development proposed and in the context and circumstances of the appeal site, including the form of the host building and existing alterations and variation to the rear of the host terrace. As a result and given that each application and appeal must be determined on its individual merits, I am not persuaded that it would lead to harmful developments on other sites so as to justify withholding permission in this case.

Conditions

12. In addition to the standard time limit, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. I have imposed a condition to require external materials to match the existing building to ensure a satisfactory appearance, and a condition relating to provision of privacy screens in the interests of the living conditions of neighbouring occupiers.

Conclusion

13. For the reasons given above, I find that the proposal would accord with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached.
14. I therefore conclude that the appeal should be allowed.

J Bowyer

INSPECTOR