
Appeal Decision

Site visit made on 31 May 2022

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2022

Appeal Ref: APP/N5660/D/22/3293961
25 Ballater Road, London, SW2 5QS

- 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 Rod Thompson against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 21/03951/FUL, dated 12 October 2021, was refused by notice dated 7 December 2021.
 - The development proposed is erection of a first floor rear infill extension with a roof light.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a first floor rear infill extension with a roof light at 25 Ballater Road, London, SW2 5QS in accordance with the terms of the application, Ref 21/03951/FUL, dated 12 October 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) The development hereby permitted shall be carried out in accordance with the following approved plans: P19-007: 001 P00; 110 P00; 101 P00; 102 P00; 115 P00; 501A; 502A; 510A and 511A.
 - 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 Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the host property and wider terrace; and
 - the effect of the proposal on the living conditions of the occupiers of 23 Ballater Road with particular reference to outlook.

Reasons

Character and appearance

3. The appeal property is a two storey mid-terrace dwelling with a wide frontage. Its rear elevation is two storey with a partial set back at first floor level that is also repeated on adjoining properties.
4. The proposed rear infill extension would be set back from the main rear elevation of the dwelling by 0.35m. It would also be set down from the eaves of the dwelling such that the original roof structure of the host dwelling would be unaffected. The extension would be in keeping with the style of the host dwelling, with a mono pitch roof and a first floor window which would be in keeping in terms of its scale and proportions. Materials would match those of the host dwelling.
5. The appeal property is one of several dwellings along this part of Ballater Road which have a wider than average frontage width. The proposed extension would represent a relatively small addition to the property and in my view, would be subordinate to the original architecture, roof form, detailing and fenestration of the host building and sufficiently differentiated from the existing rear return as required by Policy Q11 of the Lambeth Local Plan 2021 (LLP).
6. I also acknowledge that a Certificate of lawfulness¹ for the erection of a rear dormer roof extension to the appeal property has been granted, as well as planning approval² for a single storey ground floor rear extension in 2020. Whilst these extensions are yet to be implemented, the proposed extension would clearly be highly subordinate in size and scale to the resultant dwelling, should these extensions be constructed.
7. The Council's the Building Alterations and Extensions Supplementary Planning Document (2015) (SPD) provides general design guidance on infill extensions. It states that alterations to the basic form of the rear return are likely to be resisted in groups where there is uniformity. Whilst none of the neighbouring dwellings display first floor infill extensions, many of the properties in Ballater Road have been extended in some way, including at roof level.
8. The rear of the appeal site is largely hidden from public view and is only visible from the dwellings opposite. The property is not therefore widely observed as part of a unified group and whilst the resultant elevation would be unbalanced with the adjoining dwellings, it would be viewed in the context of the various additions that have been carried out to other properties in the immediate vicinity. Overall, I find that the proposal would not be an intrusive or overly dominant feature and as such, would not have a discernible impact on the character and appearance of the wider terrace or surrounding area.
9. Thus, I conclude that the proposal would not have a harmful effect on the character and appearance of the host property and wider terrace and as such complies with Policies Q5 and Q11 of the LLP and the SPD which (amongst other things) require development to be high quality and to positively respond

¹ LPA ref. 19/03522/LDCP

² LPA ref. 19/04374/FUL

to the original architecture, roof form, detailing, fenestration of the host building and other locally distinct forms.

Living conditions

10. The closest first floor window on the rear elevation of 23 Ballater Road is a large sash window with a width of about 1m and a depth of around 1.7m. It is also set in from the shared boundary with the appeal site by around 1m.
11. The proposed extension would be limited in depth and would not infringe a 45 degree angle taken from the centre of the window on the rear of No 23. The Council's main concern is in relation to the effect of the proposal on the outlook from this window. However, in my view, given the limited depth of the proposed extension and the overall size and the positioning of the window on the rear of No 23, the proposal would not have a materially harmful effect on the outlook from that property. As such, the proposal extension would not lead to an overbearing sense of enclosure.
12. I therefore find that the proposal would not have a harmful effect on the living conditions of the occupiers of 23 Ballater Road with particular reference to outlook. Thus, it would comply with Policy Q2 of the LLP which, amongst other things, seeks to ensure that adequate outlooks are provided avoiding wherever possible any undue sense of enclosure.

Conditions

13. In addition to the standard implementation condition, the approved plans condition is imposed for certainty. A condition requiring the use of matching materials is necessary to protect the character and appearance of the dwelling and the local area.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed.

J Davis

INSPECTOR