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## Appeal Decision

Site visit made on 7 June 2022

**by Lynne Evans BA MA MRTPI MRICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 27<sup>TH</sup> June 2022**

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### **Appeal Ref: APP/A5840/D/21/3275404 250 Lower Road London SE8 5DJ**

- 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 Pistole Ronchi against the decision of the Council of the London Borough of Southwark.
  - The application Ref: 21/AP/0041 dated 4 January 2021, was refused by notice dated 1 March 2021.
  - The development proposed is loft extension to create two additional bedrooms. The loft extension will be clad in anthracite grey tile or similar. The rear will have an extension on the lower ground floor and the first floor to create a large open plan dining room and a living room with a private terrace on the first floor.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. Although the application is specific to this one property, many of the documents also refer to applications for extensions to the neighbouring properties at Nos 246, 248 and 252 Lower Road and the description of development on the application forms references that the proposed development has been designed in conjunction with the neighbouring properties. The appeal in respect of the refusal of planning permission at No 252 is also before me under a separate appeal. However, each application and appeal must be determined on its individual merits on the basis of the situation as at the time of my site visit and determination, and there is nothing before me that would indicate that a different approach would be appropriate. Indeed, the Appellant in his appeal submissions has confirmed this approach.
3. Since the application was determined and the appeal submitted, the Council has adopted the Southwark Plan 2022 (SP 2022), which replaced the Core Strategy 2011 and Southwark Plan 2007 policies referenced in the decision notice. The London Plan 2021 (LP 2021) has also been adopted and replaces the London Plan 2016. I am required to determine the appeal in accordance with the development plan policies in place at the time of my decision. The Council has therefore, at my request, provided me with the replacement policies from the SP 2022 and LP 2021 and an opportunity has been provided to both the Appellant and the Council to comment on these policies. The Council has advised that it stands by its decision in the light of the new policies and no further comments have been received from the Appellant. I

shall refer only to the policies in the SP 2022 and LP 2021 and not to the now superseded Core Strategy 2011 and Southwark Plan 2007, nor the London Plan 2016.

4. The second reason for refusal refers to the impact in 252 Ivydale Road and I understand that this should properly refer to 252 Lower Road.

### **Main Issues**

5. The main issues in this appeal are:
  - a) The effect of the proposed development, and in particular the mansard roof extension on the character and appearance of the existing house and the street scene; and
  - b) The effect of the proposed two storey extension on the living conditions of adjoining neighbours, with particular reference to outlook and light.

### **Reasons**

#### ***Issue a) Character and appearance***

6. The appeal property is a mid-terrace, two storey residential property, with accommodation also at a lower storey, on the south-west side of Lower Road and the immediate surrounding area is predominantly residential. The house appears to be of similar age, dating from the 1800s, to a number of the houses immediately adjoining, but is of a different design to these attached neighbours. Further to the north-west, there are pairs of properties of a similar age with pitched roofs. To the south-east, beyond No 252, there is a more modern infill development built in a generally similar style and beyond, terraced houses dating from a similar period to the appeal property.
7. The proposal would introduce a mansard roof extension and extensions at the rear of the existing dwelling. Although the existing property and its 2 immediate neighbours to the north-west and the adjoining property to the south-east, do not have mansard roofs, mansard roofs are found further to the south and are a common feature in the local area. The mansard roof would be well designed in terms of its scale and proportions and the size and siting of the windows when viewed from the street, with a dormer extension at the rear.
8. Contrary to the views of the Council I do not consider that the existing house and its three neighbours read as a significant group in the wider street scene; they are part of a varied pattern of terraced houses, and pairs of semi-detached villas. There is also not a uniform design to these four houses; this house is distinctly different to the scale and design of No 252 as well as Nos 248 and 246. I have taken into account that the proposal would result in a mansard to this individual house in isolation to the houses on either side. However, given the individuality of the property and given the predominance of mansards along the longer terrace I do not consider that the introduction of a mansard on this property would appear out of place or detract from the character and appearance of the local area.
9. In addition, at the rear, there would be a two storey rear addition adjoining the existing outrigger at No 248, with the first floor stepped back from the ground floor and with a sedum roof over. The set back at first floor level would allow a small terrace to be provided at first floor level. There would also be a deep and

relatively narrow outrigger over two storeys alongside the boundary with No 252. I consider that these elements, individually and together would be of an appropriate scale and design to respect the character and appearance of the existing property and therefore also of the local area.

10. Taken individually and together, I am satisfied that the proposed extensions would respect the character and appearance of the existing property and of the local area. There would be no conflict with Policy D4 of the LP 2021 and Policies P13 and P14 of the SP 2022 as well as the National Planning Policy Framework, and in particular Section 12, all of which amongst other things seek a high quality of design which respects the local context.

### **Issue b) Living Conditions of Neighbours**

11. I have taken into account the existing outrigger to No 248 which I understand was permitted in 2013 and that there is also an outrigger to No 252 on the side adjoining Buryfield Court, as well as the substantial height of the existing greenery between Nos 250 and 252 and that No 250 is set at a lower height than No 250. However, given the depth and height of the proposed outrigger proposed at the appeal site and the arrangement of windows serving habitable rooms on the rear elevation at No 252, I consider that there would be a harmful impact on the living conditions of these neighbours, through a sense of enclosure and loss of outlook, from the rear facing windows serving habitable rooms and amenity area closest to the rear of the house. Although there is no technical information before me, I also agree with the Council that, given the relationship between the two dwellings, and the height and depth of the proposed outrigger, there would be some overshadowing and loss of light to the amenity area at No 252 and to the rear facing windows as a result of the proposed outrigger. I have noted that the neighbours at No 252 have not raised an objection, but the extension if permitted, would endure for future neighbours.
12. I therefore conclude that the proposals, and in particular the proposed rear outrigger would lead to a harmful impact on the living conditions of the neighbours at No 252. This harm would conflict with Policy P56 of the SP 2022 or paragraph 130 f) of the Framework, both of which seek to protect the amenities of existing and future occupiers.
13. The proposed ground and first floor extension to create a larger kitchen and sitting room would adjoin the neighbouring outrigger at No 248 and as a result I am satisfied that there would be no issues of loss of outlook or loss of privacy for those neighbours from this element of the development. I am also satisfied that there would be no harm to the amenities of the neighbours from the roof extension which would be well contained within the roofscape. However, my finding in respect of these elements of the scheme do not outweigh the harm I have concluded from the proposed outrigger on the living conditions of the neighbours at No 252.

### **Other Considerations**

14. The Appellant has drawn my attention to a number of mansard extensions allowed elsewhere in the vicinity of the site, as well as an inconsistency of approach with other scheme proposals including at No 222 Lower Road and 19 Bush Road. Although limited information has been provided in respect of these other proposals, I have taken them into account, in so far as I am able, in my

consideration. However, my assessment is based on the planning merits of the proposal before me and these other developments do not lead me to a different decision.

15. The Appellant has referred to an infringement of his human rights under Article 8 of the Human Rights Act 1998, given his understanding that he had been advised by the Council that he should submit a joint application for a number of properties the subject of individual proposals. There may have been a misunderstanding on this matter, but as I have determined the appeal on its individual merits as I am required to do, I am satisfied that my decision would not lead to any violation of the Appellant's human rights. Furthermore, I consider that a refusal of planning permission would be proportionate and necessary given the harm I have concluded to the neighbours' living conditions. This would not unacceptably violate the Appellant's rights under Article 8.

### **Overall Balance and Conclusion**

16. I have found that the proposals would respect the character and appearance of the existing property and of the local area and certain elements of the scheme would respect the living conditions of the immediate neighbours. However, these findings do not outweigh the harm I have concluded to the living conditions of the neighbours at No 252 as a result of the proposed rear outrigger.
17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*L J Evans*

INSPECTOR