



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: 27TH June 2022

Appeal Ref: APP/A5840/D/21/3275088 252 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 O Redjeb against the decision of the Council of the London Borough of Southwark.
 - The application Ref: 21/AP/0058 dated 5 January 2021, was refused by notice dated 26 February 2021.
 - The development proposed is loft extension to create additional two bedrooms and bathroom. Internal reconfiguration of spaces with a rear extension to infill rear elevation with side outrigger building. Rear outrigger to be reconfigured to align with main house.
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Decision

1. The appeal is allowed and planning permission is granted for loft extension to create additional two bedrooms and bathroom. Internal reconfiguration of spaces with a rear extension to infill rear elevation with side outrigger building. Rear outrigger to be reconfigured to align with main house at 252 Lower Road, London SE8 5DJ in accordance with the terms of the application, Ref: 21/AP/0058 dated 5 January 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: 252LR JS 001 Rev P00; 252LR JS 002 Rev P00; 252LR JS 004 Rev P00; 252LR JS 102 Rev P00; 252LR JS 103 Rev P00; 252LR JS 104 Rev P00.
 - 3) The materials to be used in the construction of the development hereby permitted shall accord with the approved plans and the details set out on the application forms.
 - 4) The roof of the ground floor rear extension hereby permitted shall not be used other than as a means of escape and shall not be used for any other purpose, including use as roof terrace or balcony or similar amenity area.

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 250 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 250 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.

Main Issues

4. 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

5. The appeal property is a mid-terrace, two storey residential property, 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 to the immediate north-west, 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 immediate south-east, 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.
6. The proposal would introduce a mansard roof extension and extensions at the rear of the existing dwelling. Although the existing property and its 3 immediate neighbours to the north do not have mansard roofs, mansard roofs are found on the rest of the properties 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.

7. 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 in particular is clearly distinct from the others in terms of its overall width, and pattern of fenestration. I am therefore satisfied that the addition of the proposed mansard roof would respect the character and appearance of the existing property and of the local area.
8. In addition, at the rear, there would be a single storey ground floor addition with a roof lantern. The rear section of the existing outrigger is of a lower scale and this element would be built up to align with the scale and form of the remaining section of the outrigger, with the addition of a new sash window to the rear. I consider that these elements would be of appropriate scale and design to respond to the existing scale and proportions of the existing house and would therefore respect the character and appearance of the local area.
9. 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

10. The appeal property is set higher than the adjoining property to the north-west at No 250. There is, as existing, a high and very dense screen of greenery between the two properties. The windows at No 250, closest to the common boundary, currently provide access from the rear hallway to the garden with a landing window above. I have taken account of the remaining fenestration at No 250, but I do not consider that the depth and height of the proposed single storey extension would be overwhelming or oppressive for the neighbours in terms of the outlook from rear windows or from the amenity area to the rear of the property.
11. The Council has also raised concerns about the effect on daylight and sense of enclosure to the neighbours at No 250 from the mansard extension, but no technical information has been provided in this regard. However, as the windows in the neighbouring property face to the front and the rear I do not share the Council's concerns in this regard. From the rear amenity space at No 250 it would be possible to see part of the mansard roof extension, but, given the angle of view and distances involved, I do not consider that this would result in an enclosing effect for the neighbours. The proposed roof extension would be well contained within the roofscape.
12. I am therefore satisfied that the proposals would not lead to a harmful impact on the living conditions of the neighbours at No 250. There would be no 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.

Other Considerations

13. 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 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.

14. 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.

Conditions and Conclusion

15. In terms of conditions, I agree with the Council that the approved plans should be listed for the avoidance of doubt and in interests of proper planning. The materials as specified on the application forms and on the approved plans should be used in the interests of protecting the character and appearance of the existing building and local area. I also agree with the Council that a condition should be imposed to prevent the roof of the ground floor extension being used as a roof terrace or amenity area, to protect the amenities of the neighbours.
16. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR