



Appeal Decision

Site visit made on 31 May 2022

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 7TH July 2022

Appeal Ref: APP/A5840/D/21/3287441
94 Mina Road, London SE17 2QS

- 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 Miah and Taylor against the decision of the Council of the London Borough of Southwark.
 - The application Ref: 21/AP/2532 dated 19 July 2021, was refused by notice dated 6 October 2021.
 - The development proposed is loft and ground floor extension.
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Decision

1. The appeal is allowed and planning permission is granted for loft and ground floor extension at 94 Mina Road, London SE17 2QS in accordance with the terms of the application, Ref: 21/AP/2532 dated 19 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) The development hereby permitted shall be carried out in accordance with the following approved plans: 138_GA-04 (Rev A); 138_GS-01 (Rev A); 138_GA-01 (Rev A); 138_GA-02 (Rev A); 138_GA-03 (Rev A); 138_GE-01 (Rev A) and 138_GE-02 (Rev B).
 - 3) The materials to be used in the construction of the development hereby permitted shall accord with the materials shown on the approved plans and the material details set out on the application forms.

Preliminary Matters

2. 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. 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 an opportunity has been provided to both the Appellants and the Council to comment on these policies. I have taken into account the further comments submitted by the Appellants in respect of these policies. I shall refer only to the policies in the SP 2022 and not to the now superseded Core Strategy 2011 and Southwark Plan 2007.

3. At the application stage, revised plans were received by the Council and my decision is based on the plans which were determined by the Council, as set out on the Council's decision notice.
4. At the appeal stage, the Appellants have set out that in addition to the mansard roof which exists at No 81 Mina Road, almost opposite the appeal site, a further mansard roof extension has been granted permission by the Council at No 85 Mina Road and two in Smyrks Road to the immediate rear, at Nos 77 and 97. Although a householder appeal, the Council has the opportunity to counter this or provide any additional information in respect of new information presented by the Appellants, but has not sought to do so. Although there is very limited information before me, I shall take these permissions into account in my determination of this appeal.

Main Issue

5. The Council's reason for refusal is specific to the mansard roof extension, and following amendments, no objection is raised to the rear extension. From all that I have read from the information before me and from my site visit, I have no reason to take a different view. Accordingly, the main issue in this appeal is the effect of the proposed mansard roof extension on the character and appearance of the existing building and local area.

Reasons

6. The appeal property is a mid-terrace two storey residential dwelling on the north-west side of Mina Road. At the south-western end, the properties are three storey reducing to two storeys. The terrace on the opposite side of the road is similar in scale and appearance, but with some existing mansard roof extensions in place, mainly at the south-western end, but including at No 81.
7. The mansard roof extension would be appropriately designed in terms of scale and detailing to respect the character and appearance of the host dwelling. The existing parapet would be maintained at the front with traditional styled windows of appropriate scale lined up with the windows below. At the rear there would be larger windows, but the butterfly roof form would be retained and the roof extension would sit comfortably within the roofscape. I therefore consider that it would respect the character and appearance of the existing dwelling, and taking into account its scale, design and detailing it would not detract from the terrace or the street scene.
8. I have taken account of the Council's guidance in its 2015 Technical Update to the Residential Design Standards SPD 2011 (SPD) which seeks to resist roof extensions where there is an unbroken run of butterfly roofs. However, it would appear from the information before me, that the Council has accepted the introduction of mansard roofs in the street, including the one that has been built out on the opposite side of the road to the appeal site and in more recent permissions in this street and in the street to the rear, Smyrks Road.
9. I am satisfied that the proposed mansard roof extension would respect the character and appearance of the existing building, the terrace and the local area. There would be no conflict with Policy P13, P14, P15 of the SP 2022 as well as the national Planning Policy Framework, and in particular Section 12, all of which, amongst other things, require a high quality of design which respects the local context. Whilst I have taken into account the Council's view that the

proposal would not accord with some of the detailed guidance in its SPD, in the particular circumstances of this case and taking into account the local context and recent permissions for similar forms of development, I do not consider that this would on its own justify refusal of planning permission.

Conditions and Conclusion

10. In terms of conditions, I agree with the Council that the approved plans should be listed for the avoidance of doubt and in the 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.
11. 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