



Appeal Decision

Site visit made on 7 June 2022 by R Dickson BSc (hons) MSc

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th July 2022

Appeal Ref: APP/N5660/D/22/3291217

9 St. Stephen's Terrace, London SW8 1DJ

- 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 Jonathon Pearson against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 21/03996/FUL, dated 15 October 2021, was refused by notice dated 21 December 2021.
 - The development proposed is described as "Existing butterfly roof to be demolished to allow for replacement with new flat roof terrace."
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The description of development used is taken from the planning application form. The decision notice issued used a more detailed description of development. As I have not had written confirmation that a revised description of development has been agreed, I have used the one given on the original application. Nevertheless, in addition to the roof terrace proposed, the submitted plans also show replacement of the front wall with railings, to which the appellant's evidence refers. I have therefore considered the appeal based on the plans before me.

Main Issue

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property and the wider Albert Square Conservation Area (CA)
 - the living conditions of 77 Tradescant Road and 7 and 11 St Stephen's Terrace, with particular regard to privacy and noise disturbance.

Reasons for the Recommendation

Character and Appearance

5. The CA derives considerable significance from the formality of the buildings and their arrangement, with formal terraces with unified architectural detailing. The Albert Square Conservation Area Statement (2009) (CAS) sets out that front and informal rear gardens within the CA contribute to the spatial quality of the area and setting of the buildings. Roofs are described as typical of the period and normally unified within terraces or building groups. Simple and uncluttered roof slopes which reinforce the uniformity of the terraced development are a defining element of the CA.
6. The properties on St Stephens Terrace are characterised by a unified façade, with dual pitched 'London roofs' behind. The roof forms of some properties in the terrace are visible from Tradescant Road to the side and differ from the roofs of the properties behind. The London roof is characteristic of the area and contributes to the significance of the CA. No 9 shares these common features and, although the original roof covering has been replaced in the past, it nevertheless makes a positive contribution to the character and appearance of the CA both individually and as part of the terrace.
7. The proposal would result in the loss of an important feature of the CA, the London roof, and consequently, would disrupt the largely unaltered roof form of the terrace of which it forms part. From the front, the alterations would be concealed behind the existing parapets. From the rear however, the distinctive V-shape of the roof would only be visible in the retained profile of the rear wall. The new parapet wall would sit directly behind this and while the pale colour proposed means it would, at times, be visually lost against the light sky above, the valley behind would be lost. Consequently, the retention of the profile in the wall and the new parapet wall would not be sufficient to disguise or compensate for the loss of this distinctive roof form.
8. Although the rear of No 9 St Stephens Terrace can only be glimpsed from public vantage points, it is visible from private properties on Tradescant Road and from the rear garden of the dwelling itself. The significant change in roof form would be apparent from these private vantage points and would introduce a discordant feature that would harm the traditional character and appearance of the host property and the terrace and diminish their contribution to the CA. Consequently, the proposed roof alteration would harm the character and appearance of the CA.
9. Furthermore, the appellant's diagram demonstrates that people standing on the roof terrace could be visible from other properties, which would make the change in roof form even more evident.
10. The appellant has identified several other properties close to the appeal site which have roof terraces. Other than 3 St Stephen's Terrace, none of these were on the main roof of the dwellings, with those visible from the garden of St Stephens Terrace sited on the roofs of rear projections to the properties. Furthermore, many were on properties which do not have London roofs, and some are not within the CA. Consequently, these examples are not comparable to the appeal proposal and do not weigh in favour of it.

11. No 3 has a roof terrace similar to that proposed and is within the CA. However, there is no evidence before me of how this came to be built, and it also disrupts the otherwise unified roof form of the terrace. It is not therefore an example of a type of development that should be encouraged and does not justify the harm I have identified.
12. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Given my findings above, the proposed roof terrace would neither preserve nor enhance the character or appearance of the Conservation Area. Given its modest scale in relation to the wider CA, it would result in less than substantial harm to the significance of the CA as a whole. Nevertheless, this is a matter to which I give considerable importance and weight. The National Planning Policy Framework requires that this harm should be weighed against any public benefits of the proposal.
13. The appellant proposes to reinstate the railings to the front of the property. Railings would have been the traditional front boundary treatment in this area, and many have been lost, particularly on this side of the road. The CAS identifies that the iron railings are a special feature of the CA and are important to the unity and architecture of the street scene. The Building Alterations and Extensions Supplementary Planning Document (SPD) sets out that boundaries are especially important to the character and appearance of heritage assets and that every effort should be made to authentically reinstate missing boundaries.
14. The proposal to reinstate iron railings would therefore enhance the character and appearance of the host property and the CA and its significance. This is a public benefit that I afford significant weight. However, this enhancement would not be sufficient to offset the harm caused by the loss of the London roof through the creation of the roof terrace. The planting areas proposed would provide a small 'green roof' however given the limited size I give this biodiversity benefit very little weight. While the proposed development would increase the amount of amenity space for the occupiers of the property, this is an entirely private benefit. Consequently, the public benefits associated with the proposal would not outweigh the identified harm.
15. For the reasons above, the proposed roof terrace would harm the character and appearance of the host property and the wider Albert Square Conservation Area. It would therefore be contrary to Policies Q5, Q11 and Q22 of the Lambeth Local Plan 2020-2035 (2021) (Local Plan), which collectively require development to sustain and reinforce local distinctiveness, reinforce positive characteristics, positively respond to the original architecture and roof form and seek to resist roof terraces on locally distinct building types where they are not characteristic of the host building or group.

Living Conditions

16. Properties from St Stephen's Terrace and Tradescant Road back onto one another and, from the diagram provided, it is clear that the proposal would result in overlooking if users of the terrace could stand next to the front and rear parapet walls. The presence of other roof terraces in the area mean that that the presence of people in an elevated position is already common, resulting in some perceived or direct overlooking however. The planting

proposed would also ensure that users could not stand next to the parapets and could be secured by condition. Therefore, it would mitigate any potential material increase in overlooking of neighbouring properties, safeguarding their living conditions in respect of privacy.

17. The introduction of people at main roof level could however result in noise disturbance given the size of the terrace, which would be larger than most others in the area. There would be no limit to the number of people who could use the roof terrace or the hours of use, and no parties have put forward a suitable mechanism to control either of these issues. As the terrace is proposed as an area of private outside amenity space, I do not consider it would be reasonable to restrict the occupiers' use of it as might be appropriate for a terrace on a commercial property.
18. Consequently, while the proposal would not harm the living conditions of the occupiers of 77 Tradescant Road and 7 and 11 St Stephen's terrace in respect of privacy, it would have an adverse effect in respect of noise disturbance that could not reasonably be reduced to an acceptable level. Accordingly, the proposed development would conflict with Policy Q2 (point v) of the Local Plan.

Other Matters

19. The appellant suggests that current policy is more permissive towards roof terraces, however I have considered the proposal on its own merits and found that it conflicts with current Local Plan policies for the reasons set out above.

Conclusion and Recommendation

20. For the reasons given above the proposal would conflict with the Local Plan and the Framework and there are no other material considerations that justify granting permission. Therefore, and having had regard to all other matters raised, I recommend that the appeal is dismissed.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the recommendation. On that basis the appeal is dismissed.

L McKay

INSPECTOR