



Appeal Decision

Site visit made on 14 September 2022 by S Wilson LLB MSc LRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2022

Appeal Ref: APP/N5660/D/22/3302761

5 Margaret Rutherford Place, Lambeth, London SW12 0JR

- 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 Daniel Osborn against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 22/01146/FUL, dated 29 March 2022, was refused by notice dated 7 June 2022.
 - The development proposed is a loft conversion.
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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.

Main Issue

3. The effect of the proposal on the character and appearance of the host dwelling.

Reasons for the Recommendation

4. The appeal proposal would not raise the ridge height or affect the front roof slope of the dwelling. However, the proposed box dormer would occupy almost all of the rear roof slope, being set in and down only slightly. It would therefore dominate the roof and make it difficult to discern the original roof form. Due to its scale, it would appear overly large and out of proportion to the host dwelling and the terrace. The deep plan of the dwelling means that it would be a large structure, presenting a substantial blank side to facing properties. The large window would also be over scaled in relation to the windows below.
5. Consequently, although it would use appropriate materials, the proposal would not appear subordinate to the host dwelling. It would not respond positively to the original architecture, roof form or fenestration of the host building and would not be a creative or innovative contextual response to the character and built form. Although not visible from the public realm, it would be clearly visible from the rear of properties in Hydethorpe Road and would harm the visual amenity from those adjoining sites.
6. There are many roof extensions of various designs on the Hydethorpe Road properties, which form part of the character of that terrace. There is however

no substantive evidence before me of how these came to be built, or whether they were granted permission under the same policy context as this appeal. In any event, the modern terraces that the appeal site is part of are different in scale, detailing and character to the traditional properties adjacent, with simpler forms and roofs unbroken other than by rooflights and small feature gables to the front. When viewed from properties in Hydethorpe Road, it would not be seen with other dormers. Consequently, the presence of other dormers nearby does not justify the harm that would result from this proposal.

7. The appellant has referred me to an appeal decision at 41 Blairderry Road (APP/N5660/D/20/3255328). That dwelling already had an existing two-storey side extension, an existing single storey rear extension and an existing small dormer in the roofslope. The Inspector reasoned that although that proposed roof extension would be large, due to these existing extensions it would be subordinate to and would not unacceptably dominate or overwhelm the host property. This is materially different to the situation before me, where there are no existing extensions to ameliorate the impact of the proposal. Therefore, that decision does not justify the harm I have identified.
8. Consequently, for the reasons set out above, the proposal would harm the character and appearance of the host dwelling. Accordingly, it fails to comply with Policies Q2, Q5 and Q11 of the Lambeth Local Plan 2020-2035 (adopted September 2021), insofar as they require development to be of high-quality design that preserves the character and appearance of the host property. In addition, the proposal fails to accord with guidance within the Building Alterations and Extensions Supplementary Planning Document (2015), insofar as it relates to roof extensions and alterations.

Other Matters

9. The proposal would provide the applicant and their family with enlarged and enhanced living accommodation; however, this is a personal benefit which I afford limited weight and which does not outweigh the harm identified. Whilst there have been no objections from neighbours to the proposal, this does not make the scheme acceptable in planning terms.
10. The appellant has questioned the fairness of removing some permitted development rights from the appeal property. It is not within my remit under this section 78 appeal to consider this matter, and the appellant has the ability to apply to the Council to remove the relevant condition on the original planning permission. At this time however, relevant permitted development rights have been removed, planning permission is required for the proposal and I have considered it on its own merits.

Conclusion and Recommendation

11. The proposal is contrary to the development plan and there are no material considerations that outweigh this conflict. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

12. 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