



Appeal Decision

Site visit made on 16 November 2022

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 NOVEMBER 2022

Appeal Ref: APP/N5660/D/22/3301788

3 Walberswick Street, London SW8 1XF

- 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 Sid Meah against the decision of the London Borough of Lambeth Council.
 - The application Ref 22/00258/FUL, dated 21 January 2022, was refused by notice dated 22 April 2022.
 - The development proposed is described as "creation of a flat roof terrace to the rear extension."
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Decision

1. The appeal is allowed and planning permission is granted for creation of a flat roof terrace to the rear extension at 3 Walberswick Street, London, SW8 1XF in accordance with the terms of the application, Ref 22/00258/FUL, dated 21 January 2022, 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: WAL 10K; WAL 11E; WAL 12L; WAL 13E; WAL 14L; WAL 15E; WAL 16M; WAL 17A; WAL 1D; WAL 2L; WAL 3D; WAL 4K; WAL 5F; WAL 6M; WAL 7F; WAL 8M; WAL 9D.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building, including colour, texture, profile and finished appearance, except where indicated otherwise on the approved plans.
 - 4) The development hereby permitted shall not be used or accessed, other than for emergency egress, until the privacy screen with a height of 1.8m has been fully implemented in accordance with approved plans WAL 14L; WAL 16M; and WAL 6M. Once implemented the approved privacy screen shall be retained thereafter.

Main Issue

2. The main issue is the effect of the proposed roof terrace on the character and appearance of the area.

Reasons

3. Walberswick Street is made up of 3-storey terraced houses and a 3-storey residential block, set back a short distance from the highway on moderate sized plots. There is a consistency in the height, form, features and materials of

the terraced houses that provides a strong degree of uniformity in the street scene. This uniformity extends to some neighbouring roads.

4. The rear of the houses on the south side of Walberswick Street, including the appeal property, can be seen from Tradescant Road. The view includes both the rear of properties on Walberswick Street and Tradescant Road. The rear of the properties do not have the same consistency and degree of uniformity as the fronts. Although most of the 2 storey rear returns have pitched roofs, the block includes a box dormer roof extension and flat roofs incorporating roof terraces. There is also 1 roof terrace at first floor level.
5. Comparable views of the rear of similar properties within the immediate area, for example views of the rear of properties along St Stephen's Terrace and Tradescant Road, comprise an even greater number of flat roofs and roof terraces. Consequently, while pitched roofs are a characteristic of the built form in the local area, they are not in themselves locally distinctive, neither are flat roofs or roof terraces uncharacteristic of the building type.
6. Given this, the proposed roof terrace would not conflict with the advice set out at paragraph 4.30 of the Supplementary Planning Document on Building Alterations and Extensions (2015) (SPD), which seeks to resist the removal of pitched roofs where it would lead to the loss of locally distinctive roof forms, and the introduction of roof terraces and roof balconies on building types where they would be uncharacteristic.
7. In addition, the proposed roof terrace would also be positioned far into the block, away from the viewpoint on Tradescant Road, which would limit views of it from the street scene.
8. For the reasons above, the proposed roof terrace would not be uncharacteristic of the built form within the perimeter block or surrounding area and as such would not detract from the established patterns amongst the terraces. It would therefore not harm the character and appearance of the area and would accord with policy Q5 of the Lambeth Local Plan (2021) (Local Plan) and SPD, which seek to sustain and reinforce the local distinctiveness of Lambeth.
9. Although policy Q11 of the Local Plan is referred to in the Council's reason for refusal, Criterion M of policy Q11 states that roof terraces will be assessed against Local Plan policy Q2. Policy Q2, amongst other things, supports development if visual amenity from the adjoining sites and from the public realm is not unacceptably compromised. The proposed roof terrace therefore also accords with this policy and subsequently with policy Q11.

Other Matters

10. I have taken careful account of the representations of those nearby, including in respect of the effect of the proposed roof terrace on the living conditions of neighbouring occupants. The proposed roof terrace would be enclosed by a 1.8m obscured glass balustrade and there would be adequate space between the terrace and neighbouring properties. There is also already a degree of overlooking between properties and it is likely that the terrace would be used in a similar way to neighbouring roof terraces and garden spaces. I am therefore not of the view that unacceptable effects would result in this regard.
11. Third parties have also raised concerns that the appellant converted the pitched roof to a flat roof without the relevant permissions. While intentional

unauthorised development can be a material consideration, there is no substantive evidence before me demonstrating this. It therefore affords very little weight in my decision.

Conditions

12. In imposing conditions, I have had regard to the approach in the National Planning Policy Framework and the Planning Practice Guidance. I have, accordingly, modified the wording or form of certain conditions without altering their fundamental aims.
13. In addition to the statutory time limit condition, a condition specifying the plans that are approved and that the development shall be undertaken in accordance with them is required in the interest of certainty. To protect the character and appearance of the area, it is also necessary to impose a condition requiring the external surfaces of the development to match the existing building. A condition is also required to restrict the use of the roof terrace until the privacy screen has been implemented in order to protect the living conditions of neighbouring occupants.

Conclusion

14. For the reasons given above, considering the development plan as a whole and all relevant material considerations, the appeal is allowed subject to the conditions above.

Hannah Guest

INSPECTOR