The Planning Inspectorate

Appeal Decision

Site visit made on 9 January 2023

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2023

Appeal Ref: APP/N5660/D/22/3304856
122 Hinton Road, London SE24 0HU

- 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 Benjamin Gumpert against the decision of the Council of the London Borough of Lambeth.
- The application Ref 22/00818/FUL, dated 3 March 2022, was refused by notice dated 20 May 2022.
- The development proposed is a rear side infill single-storey extension with two skylights on the roof, an external staircase providing access from the rear patio to the rear first floor.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the description of the proposed development from the application form to remove superfluous words, in the banner heading above.

3. Due to an administrative error, a copy of the appeal notification letter was not on the case file. I notified the parties of this situation and the Council subsequently provided a copy of the letter, and the persons it was sent to.

4. Due to a further administrative error, I was provided with representations on the appeal from an interested party. With reference to the Procedural Guide: Planning Appeals – England December 2022[1], there is no mechanism for interested parties to make representations on Householder appeals such as this one. These representations did not raise any new issues for my assessment of the proposal. However, as I saw the representations, in the interests of natural justice I notified the parties and gave the appellant seven days within which to make any comments. No comments were received within this time.

Main Issues

5. The main issues are the effect of the proposal on:

    - the character and appearance of the area; and,
    - the living conditions of nearby occupiers, with particular regard to privacy.

[1] Section C.8

Reasons

Character and appearance

6. The appeal property is a traditional, brick-built, mid-terraced house, in a long-established residential area. It includes a full-width, rear dormer roof extension and a 2.5-storey rear outrigger (mirrored with a similar outrigger at the next door dwelling to the west, 120 Hinton Road). The outrigger spans a large part of the rear garden by the house, next to a small patio area, although the garden extends some distance further southwards.

7. The width of the rear outrigger leaves a narrow strip of land, by the next door dwelling to the east, which also has a similar 2.5-storey rear outrigger but positioned away from the appeal property. There is a single storey, mono-pitched roof extension next door to the east, filling the equivalent narrow space by the property boundary.

8. The boundary of the rear garden of the appeal property is marked on both sides by brick walls, some 2 metres high near to the dwelling, with a lower height wall and fencing extending away from it. The garden is largely grass, with a small, raised patio area at the very end, which is marked by a tall timber fence. To the east and south of the rear garden are the rear elevations of similar-scaled brick-built houses, also with rear garden areas.

9. The visual character and appearance of the area is not homogenous, with a number of distinct building designs to be found here, some of which have been altered or extended. However, there is some coherence in terms of the materials and layout of the properties, and the terrace comprises groups of buildings of broadly similar designs located next to each other.

10. I note the proposal before me has been revised in an attempt to address earlier concerns raised by the Council. The proposed development would entail the demolition of part of the ground floor of the rear outrigger to enable it to be extended across the full width of the property. The proposed extension would not project any further from the rear elevation of the dwelling than the existing outrigger and would have a flat roof with two skylights, with a new sliding door extending across much of its rendered width.

11. At first floor level, a new doorway would be added to the end of the outrigger, replacing an existing window. The design and materials of the proposed door are intended to mimic the appearance of a sliding sash window, with a glazed upper section and brick slips below.

12. The doorway would lead to a metal spiral staircase and include a small ‘landing’ area by the building, reduced in size from the original proposal. An opaque glass screen would be positioned on the western side of the ‘landing’ area, with the intention of blocking views of the next door dwelling and garden from this area.

13. The spiral staircase would extend from the small ‘landing’ platform at the rear of the outrigger and would turn initially towards the property to the west, before reaching the ground on an enlarged patio area, next to the proposed ground floor sliding door.

14. The scale, design and materials of the proposed ground floor extension would respond positively to the appeal dwelling and would not be obtrusive, or out of keeping with the character and appearance of the wider area.

15. However, the introduction of a first floor doorway, a privacy screen and a spiral staircase to the end of the rear outrigger would be visually prominent and incongruous. The design and materials of the proposed door would not be successful in disguising its presence, given the spiral staircase and privacy screen. Instead, this would be a strange and visually awkward addition to the property.

16. Despite some differences, there is still a visual coherence and balance to the mirrored outriggers that would be reduced by the introduction of the proposed staircase/doorway/screen. The design, scale and bulk of the proposed staircase and privacy screen in particular would be obtrusive and out of keeping with the host building and the next door outrigger.

17. Whilst I note the presence of first floor doorways and metal staircases on the ends of rear outriggers on properties to the west of the appeal property, these dwellings are of a different design and scale to the appeal dwelling and are some distance away. At Nos 110 and 112, the doors are obvious and form a balanced pair, in contrast to the proposal for the appeal property. I do not consider the presence of first floor doorways and staircases at these properties justifies the harm that would be caused by the appeal proposal.

18. For these reasons the proposed development would detract from the character and appearance of the area. It would, therefore, conflict with Policies Q2 (amenity), Q5 (local distinctiveness) and Q11 (building alterations and extensions) of the Lambeth Local Plan 2020-2035 (LLP) and guidance contained within the Building Alterations and Extensions SPD 2015, in this regard.

Living Conditions

19. The proposed doorway and spiral staircase would be positioned close to the boundary with No 120, to the west. Whilst a privacy screen is proposed by the 'landing' platform outside the door at first floor level, this would not prevent overlooking of much of the rear garden of No 120, away from the dwelling.

20. Furthermore, and notwithstanding the submitted privacy diagrams and the boundary wall, I am satisfied that people walking up or down the spiral staircase would be readily able to overlook the next door property. The proposed staircase would also create a perception of overlooking for the occupiers of No 120 that would further detract from their well-being.

21. Whilst a degree of reciprocal overlooking can be expected in residential areas, the scale and position of the proposed staircase and 'landing' area means that overlooking and the perception of overlooking would be harmfully increased.

22. Reference is made to an awning that could be fixed to a lightweight metal frame in the rear garden of No 120 to prevent overlooking. However, the occupiers of No 120 should not be required to erect an awning to protect their privacy in part of their garden. Furthermore, whilst an awning would reduce the scope for harmful overlooking of the property, it would not eliminate it, and at the time of my site visit the awning was not in place.

23. I do not find the appellant's comments on how they expect the proposed staircase to be used would address the concerns I have identified; overlooking and the perception of overlooking would remain.

24. Moreover, I do not consider the appellant's family circumstances and their reasons for wanting the proposed staircase and first floor doorway to be compelling. Access from the first floor to the garden exists at present via the internal staircase which would be retained. Whilst the proposed internal layout would mean that such access would be through the proposed master bedroom rather than the existing kitchen, that is the result of the layout design chosen by the appellant.

25. Furthermore, it is not clear that this would be the only layout that would allow for the continued occupation of the property by the appellant and their family. Even if it were, I do not consider this would justify the harm that would be caused by the proposed staircase and first floor doorway.

26. For these reasons, the proposed development would adversely affect the living conditions of nearby occupiers, with particular regard to privacy. It would, therefore, conflict with Policy Q2 of the LLP and with the National Planning Policy Framework 2021, in this regard.

Conclusion

27. For the reasons given above, I conclude the appeal is dismissed.

Andrew Parkin

INSPECTOR