



Appeal Decision

Site visit made on 24 February 2023

by Joanna Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2023

Appeal Ref: APP/N5660/W/22/3295016

65B Medora Road, London SW2 2LW.

- 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. L. Russell against the decision of London Borough of Lambeth.
 - The application Ref 21/03910/FUL, dated 7 October 2021, was refused by notice dated 3 December 2021.
 - The development proposed is formation of roof terrace.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposed development would preserve or enhance the character and appearance of the area, including the Rush Common and Brixton Hill Conservation Area.

Reasons

3. The Rush Common and Brixton Hill Conservation Area (the conservation area) is characterised by an arterial road linking residential development dating from the early 1800s, the 1850s and 1870s. Medora Road lies in the part of the conservation area which results primarily from the opening of railways and tramways and associated construction of middle-class housing from 1870 onwards. The significance of this part of the conservation area is derived from the age and architectural detailing of its Victorian terraced housing.
4. Medora Road's residential development generally consists of two-storey terraces of stock brick with London pattern or butterfly roofs behind parapets. Backing onto the interwar Tulse Hill estate, 65 and 67 Medora Road are both double fronted with three-storey closet returns and shallow gardens. No 65 has been converted into flats and has an altered roofscape with two mono pitches and a central flat roof.
5. The Building Alterations and Extensions Supplementary Planning Document 2015 (SPD) confirms that the removal of pitched roofs on existing buildings and their replacement with flat roofs will be resisted where it would lead to the loss of locally distinctive roof forms or harm the integrity of the host building or its group. The SPD also states that Policy Q11 (o) seeks to resist roof terraces and roof balconies on building types where they would be uncharacteristic or on street facing roofs and that consideration also needs to be given to Policy Q2 on amenity. The SPD refers to Policies Q2 and Q11 of the Lambeth Local Plan 2015 which have been replaced by the same numbered policies of the

Lambeth Local Plan 2021 (LLP). While I have had general regard to the SPD, this element of Policy Q11 no longer exists and has been replaced by criterion M of LLP Policy Q11 which states that roof terraces and balconies will be assessed against LLP Policy Q2 on amenity.

6. The proposed development would remove the mono pitches and insert a flat roof behind the parapets. A roof terrace would be created and accessed via a staircase. The roofscape has previously been altered and was in poor condition by 2020. Though remedial works have taken place, the appellant's roofing contractor has recommended a complete redesign to address tiling, drainage and gully size and materials.
7. While the retention of poor quality materials would not preserve the conservation area, there is no evidence before me that the proposed development is the only suitable option for the preservation or enhancement of the character and appearance of the area. Furthermore, in the event that any historic materials remain present, they would likely be lost. The proposed development would not respond positively to the building's original architecture and would result in the loss of locally distinctive roof form, albeit that much of the existing roof appears to be a poor facsimile.
8. As the proposed development would be located behind parapets and set in from the front and rear elevations, the roof terrace would be largely concealed when not in use. However, when in use, it would be visible in views from the car park, balconies and flats at Dearmer House. Given the angles of view available, the proposed development would be incongruous and discordant.
9. Although the Council has referred to the proposed development setting an unacceptable precedent, I have no evidence of this. Additionally, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
10. The appellant considers that the removal of the mono pitches would not necessarily require planning consent as it would be *de minimis*. Though I note reference to Section 55(2)(a) of the Town and Country Planning Act 1990 (as amended), I am required to determine the appeal before me.
11. Some local residents are supportive of the proposed development. While no concerns have been raised about the living conditions of neighbouring occupiers, this does not overcome my concerns about the effect of the proposed development on character and appearance.
12. For the reasons outlined above, the proposed development would result in harm to the significance of the conservation area. The harm would be less than substantial, but nevertheless paragraph 202 of the National Planning Policy Framework requires the harm to be weighed against the public benefits. The provision of additional outdoor space would be a private benefit. While the appellant has referred to the London Plan 2021 and LLP Policies H5 and H6 in justifying the need for additional external amenity space, such policy is not relevant here as the proposed development would not provide a further self-contained residential unit. Accordingly, there would not be any public benefits which would outweigh the less than substantial harm identified.

13. In conclusion, the proposed development would not preserve or enhance the character and appearance of the area, including the Rush Common and Brixton Hill Conservation Area. As such, it would be contrary to LLP Policies Q2, Q5, Q11 and Q22 and the SPD as set out above. The aforementioned policies collectively seek, amongst other things, to ensure that development does not unacceptably compromise visual amenity, and that development responds positively to aspects of local context, historic character, and the original architecture of the host building, and preserves or enhances the character or appearance of conservation areas.

Conclusion

14. For the reasons given above, the appeal should be dismissed.

Joanna Gilbert

INSPECTOR