



Appeal Decision

Site visit made on 22 November 2022

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2023

Appeal Ref: APP/N5660/W/22/3299777

First and second floor flat, 6 Glenelg Road, London SW2 5JT

- 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 Mrs Mary Chamberlain against the decision of the Council of the London Borough of Lambeth.
 - The application Ref. 21/04858/FUL, dated 15 December 2021, was refused by notice dated 8 March 2022.
 - The development proposed is a roof terrace with metal railings.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host property and area.

Reasons

3. The appeal property is a mid-terrace building within a row of similar period style buildings, that back-on to the parking area associated with the large Sandhurst Court flat block. The rear elevation of the terrace displays a strong sense of uniformity with a regular pattern of rear projecting outriggers and consistent materials. This pattern is clearly visible above the single storey flat roof extensions that project out from the rear outriggers of a number of properties in the row.
4. Metal railings are present in the locality of the appeal site, enclosing front gardens. Although the thin profile of the proposed metal railings around the perimeter of the roof would be relatively permeable, allowing views through them, the same cannot be said of the taller proposed opaque screen. In order to function as a "screen", the likely level of opacity would give the glass¹ screen the appearance of a large and expansive solid structure. Situated high-up in an elevated position on the flat roof, the proposed screen would be clearly visible in private views across the rear gardens from properties within the row.
5. As the opaque glass screen would be the only obvious example of such a feature within the terrace of which No 6 forms part, the proposal would draw the eye and the screen would contrast markedly with the brick walling materials of the terrace. In this prominent position, the combination of the height, length and solidity of the opaque glass screen, would result in it

¹ Described as glass in the appellant's statement.

appearing as an intrusively bulky and incongruous feature in the roof scape of the single storey wings, and the space above them. Whilst the appearance of the proposal would not be apparent from the public realm, that does not make its design and appearance immaterial, and there is nothing in local or national policy that confines such considerations solely to views from a vantage point accessible to the public at large.

6. For these reasons, I find that the design of the proposed opaque glass screen would be out of keeping and harmful to the character and appearance of the host building, the terrace in which it forms part, and the area. As such, it would conflict with Policies Q2, Q5 and Q11 of the Lambeth Local Plan 2020-2035 (Adopted September 2021) (LP), which require development to respond positively to the locally distinctive architecture, roof form and materials of the host property, and to ensure visual amenity from adjoining sites is not unacceptably compromised, amongst other objectives. It would also conflict with the guidance in the Lambeth Building Alterations & Extensions Supplementary Planning Document (2015), which requires roof terraces to be in keeping with the character of the host property and area.

Other Matters

7. The appeal proposal would be likely to contribute positively to the living conditions of the occupiers of the appeal property, which contains flats, providing outdoor amenity space. The principle of such space is not in question, rather the enclosure proposed as set out above. Moreover, I am mindful of the advice contained in the Planning Practice Guidance², that planning is mainly concerned with the use of land in the public interest. I find that the private benefits of providing outdoor living space do not outweigh the harm I have identified. Therefore, this consideration does not lead me away from my conclusion on the main issue.
8. Although numerous examples of other roof terraces along Glenelg Road have been submitted, the alignment of the road is such that none of those roof terraces are located in the same discreet row as the appeal property or would be visible with the appeal proposal. Furthermore, none appear to be fitted with opaque glass screens of a similar height and length to that proposed in this appeal. I am satisfied that the examples referred to are sufficiently different in character and context to the appeal proposal. As such, they are not directly comparable and do not justify me reaching a different view on the harm caused by the appeal proposal.
9. Whilst the nearby flat roofed extensions in the same row as the appeal property might be used as outdoor living space, those roofs are not enclosed, so are not comparable to the appeal proposal. I note the Council has not raised noise and disturbance or the effect on the privacy of neighbouring occupiers as reasons for refusal, however an absence of harm in those respects is a neutral matter which neither weighs for or against the proposal.
10. The large flat block at Sandhurst Court to the rear, is set well away from the row of terraced properties, which the appeal property forms part of, and is a much larger building of a markedly different character and appearance. Whilst there are numerous short balconies and roof terraces on the upper floors of the flat block, they are not directly comparable to the appeal proposal.

² Paragraph: 008 Reference ID: 21b-008-20140306

11. The evidence available does not persuade me that the harm caused by the proposed opaque glass screen could be addressed through design detailing of the types listed in Policy Q8 of the LP, including through the details requested in the planning conditions agreed between the parties.
12. I note that no objections were received from third parties, including the Brixton Society, and that the appellant considers the appeal proposal to be less bulky than a previously refused proposal. However, having assessed the proposal on the information before me and found harm, the absence of objections and the planning history does not alter my conclusion on the main issue.
13. That the proposal does not affect a Conservation Area or Listed Building, does not alter my conclusion on the main issue.
14. For these reasons, the above matters do not provide justification for harmful development.
15. The appellant's concerns over the Council's level of engagement during the planning process is not a matter for me to resolve through this appeal.

Conclusion

16. For the reasons given above, I conclude that the appeal proposal conflicts with the development plan as a whole. This conflict is not outweighed by any material considerations. The appeal should therefore be dismissed.

G Sylvester

INSPECTOR