
Appeal Decision

Site visit made on 25 April 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th May 2023

Appeal Ref: APP/N5660/D/23/3315753

4 Liston Road, London SW4 0DF

- 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 Leveton against the decision of the Council of the London Borough of Lambeth.
 - The application ref. 22/03095/FUL, dated 26 August, was refused by notice dated 8 November 2022.
 - The development proposed is for the installation of a roof terrace over existing first floor rear outrigger roof.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a roof terrace over existing first floor rear outrigger roof at 4 Liston Road, London SW4 0DF in accordance with the terms of the application ref. 22/03095/FUL, 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: site location plan, 096-21 M Rev 01 location plan, 096-21 001 Rev 01 elevation and section, 096-21 001 Rev 01 proposed set plans.
 - 3) The roof terrace shall not be brought into use until details of the external materials and privacy screening for the development have been submitted in writing to the local planning authority for approval. The external materials and privacy screening shall be carried out in accordance with the approved details and retained thereafter.

Main Issue

2. The main issue is the effect of the development on:
 - the character and appearance of the existing dwelling and surrounds, including the Clapham Conservation Area (CA); and
 - the living conditions of the occupants of 2 Liston Road having regard to privacy.

Reasons

Character and appearance

3. The appeal site consists of a mid-terrace dwelling with a three-storey rear outrigger and a two-storey infill extension, with glass roof. Liston Road is predominantly residential in nature, with commercial and community uses lying to the west on the B224/B303.
4. Being situated in the CA, special attention must be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
5. The northern part of the CA is centred on the historic village which formed the earliest settlement of Clapham (known as Clapham Old Town) and the suburban hinterland surrounding it. The special architectural and historic interest of this part of the CA derives from late 19th century terraced houses, broadly consistent in appearance, built in yellow stock brick with distinctive Italianate detailing and two-storey stone canted bays and recessed entrances.
6. Whilst there is uniformity to the front, the rear the terrace exhibits greater variation between the properties. Within this context, I consider that the appeal scheme would not appear out of keeping. I observed the large roof terrace that presently exists to the adjoining property; whilst this may not have planning consent it is nevertheless an established element within the locale and to my mind does not result in harm to local character. The proposal would be of smaller scale and visually connect with the overall appearance of the dwelling, without being imposing or dominant.
7. Given the variety of window and door openings at the back of the row, I am of the view that the replacement of the existing sash window with an elongated window and doorway arrangement would not be unduly harmful, and would integrate with the more eclectic nature of the rear aspect of the terrace.
8. Consequently, I conclude that the proposal would not result in harm to existing dwelling and surrounds, including the CA.. It would accord with Policies Q5, Q11 and Q22 of the Lambeth Local Plan 2020-2035 September 2021 (LP), which collectively seek to secure new development of acceptable scale and appearance that preserves the character or appearance of conservation areas.

Living conditions

9. At my site visit I was able to closely examine the relationships with surrounding properties. Whilst there is already an element of mutual overlooking between dwellings, the incidence would be increased were the proposal to be implemented and the new flat roof to be used as a terrace.
10. The Planning Practice Guidance states that conditions can enhance the quality of development and enable development to proceed where it would otherwise

have been necessary to refuse planning permission, by mitigating the adverse effects.

11. To this end, I consider that any undue overlooking of 2 Liston Road could be mitigated through the formation of screening, such that any adverse loss of privacy would be prevented. There is sufficient space along the boundary of the terrace for such a feature to be formed at a height that would ensure the protection of the living conditions of the occupants of the neighbouring dwelling. The precise location, height and materials to form the screening would be the subject of a condition.
12. I conclude that the scheme would protect the living conditions of the occupants of adjacent properties in respect of privacy. It would meet Policy Q2 of the LP, which aims to ensure acceptable standards of privacy are provided.

Conditions

13. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. In addition to the standard implementation condition, the approved plans are listed for certainty.
14. A condition requiring the submission of details in respect of the materials for the railings and the installation of privacy screening is necessary to ensure a satisfactory appearance and to protect the living conditions of occupants of 2 Liston Road.

Conclusion

15. In respect to the above and all other matters raised, I allow the appeal.

C Hall

INSPECTOR