



Appeal Decision

Site visit made on 9 May 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2023

Appeal Ref: APP/N5660/W/22/3310941

11 Ashlake Road, Lambeth, London SW16 2BB

- 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 PRP Property Development Ltd against the decision of London Borough of Lambeth.
 - The application Ref 22/02621/FUL, dated 21 July 2022, was refused by notice dated 15 September 2022.
 - The development proposed is described as "ground floor rear full width extension and creation of a roof terrace with 1.7m obscure glazed balustrade above, to 11 Ashlake Road together with a roof light to ground floor lean to roof."
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Decision

1. The appeal is allowed and planning permission is granted for ground floor rear full width extension and creation of a roof terrace with 1.7m obscure glazed balustrade above at 11 Ashlake Road, Lambeth, London SW16 2BB in accordance with the terms of the application, Ref 22/02621/FUL, dated 21 July 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: CP-2021-63 E01, CP-2021-63 S2-03, CP-2021-63 S2-11, CP-2021-63 S2-12, CP-2021-63 S2-21 and CP-2021-63 S2-31.
 - 3) All new external work and finishes and work of making good shall match the existing adjacent original work in respect of the materials, colour, texture, profile, and finished appearance, except where indicated otherwise on the drawings hereby permitted.

Applications for costs

2. An application for costs was made by PRP Property Development Ltd against the London Borough of Lambeth. This application is subject to a separate Decision

Preliminary Matters

3. The appellant has submitted amended plans with the appeal. Briefly, they comprise alterations to the proposed balustrade. This is partially in response to the Council's reasons for refusal. Whilst the changes, on their face, are not extensive, they do represent a noticeable departure from the scheme that the Council considered and that on which the views of third parties were sought. I

have some concerns therefore that accepting the amended plans would result in some prejudice to third parties wishing to comment.

4. Having regard to the procedure guide¹, planning appeals should not be used to amend a scheme and any plans submitted should be those that the Council considered at the time they determined the planning application. I have not taken the amended plans into account in making my decision.
5. The proposed rear extension already benefits from planning permission² and during my site visit I noted that this had largely been constructed. As such, whilst the proposed development relates to the extension and the first floor terrace and balustrade, the extension has largely been completed. In their submission the Council confirm that the reasons for refusal solely relate to the roof terrace and balustrade as the single storey extension benefits from planning permission.

Main Issues

6. The main issues are the effect of the proposed development on;
 - The character and appearance of the area;
 - The living conditions of the residents of 13 Ashlake Road, with particular regard to noise; and
 - Whether the proposal would provide satisfactory living conditions for the future occupiers, with particular regards to light.

Reasons

Character and Appearance

7. Ashlake Road and Bournevale Road, which runs to the rear of the appeal site, are generally characterised by terraced properties of similar architectural designs and proportions resulting in a strong degree of uniformity to the street scene. The appeal proposes a roof terrace above a ground floor extension to 11 Ashlake Road to serve a first floor flat.
8. Whilst there is uniformity to the front, the rear of the buildings along Ashlake Road exhibit greater variation between the properties. Within this context, I consider that the appeal scheme would not appear out of keeping. I observed that many properties nearby have varied alterations and extensions to the rear. The proposed development would be seen alongside these examples and against the existing variety in the rear form of the host terrace. Whilst the balustrade would be some 1.7 metres in height, it would be set back from the edges of the single storey extension, which would reduce its overall impact, and would retain the traditional appearance of the rear of the building. In this context, I am satisfied that the proposal would not harmfully disrupt the existing rhythm or integrity of the group.
9. Whilst the proposed development would be visible from nearby gardens and windows, and the only such feature locally, it would not be visible from nearby roads or pavements. I find having specific regard to the above factors in combination that the proposed development would not in this case be

¹ The Planning Inspectorate Procedural Guide – Planning Appeals – England (March 2021)

² 22/01940/FUL

incongruous or overly conspicuous. The proposal would be a subservient addition that would not detract from the established pattern of development or harm the character or appearance of the host building or area.

10. The proposed development would therefore comply with Policies Q5, and Q11 of the Lambeth Local Plan 2020 – 2035 (2021) (LP) and the guidance contained within the Building Alterations and Extensions Supplementary Planning Document (2015) (SPD), which seek, amongst other things, to ensure that development sustains and reinforces local distinctiveness and visual amenity, and extensions that are subordinate and that respond positively to the original architecture, roof form, detailing, and fenestration of the host building and other locally distinct forms. The proposal also complies with paragraph 130 of the National Planning Policy Framework (the Framework) that seek developments that are visually attractive and are sympathetic to local character.

Living Conditions of Neighbouring Residents

11. The appeal site relates to a mid-terrace building comprising of five self-contained flats. The surrounding area is residential in nature. At my site visit I was able to view the flat roof at the rear and closely examine the relationships with surrounding properties. The rear window at first floor currently allows for unobstructed views into neighbouring rear windows and gardens.
12. Whilst there is already an element of mutual overlooking between dwellings, the incidence would be increased were the flat roof to be used as a terrace. However, the proposed provision of a 1.7 metres obscure glazed balustrade would ensure that there would be no overlooking to neighbouring properties. I consider that the size of the terrace combined with the obscure glazed balustrade would ensure that any adverse loss of privacy would be prevented.
13. The balcony would be limited in its size, providing only an additional 5.5 square metres of floorspace. Whilst it could accommodate a group of people, due to its limited size it would be unlikely that such events would be a regular occurrence. Whilst the Council are concerned regarding noise and disturbance from the roof terrace, this could occur from the flat with the window open, so is not necessarily linked to the construction of the balcony.
14. The proposal would not cause material harm to the living conditions of the occupants of neighbouring properties with regard to privacy. It would comply with LP policy Q2 and the guidance contained within the SPD which seek, amongst other things, to ensure that developments provide acceptable standards of amenity. The proposed development also complies with paragraph 130 of the Framework which seeks development that has a high standard of amenity for existing and future users.

Living Conditions of Future Occupiers

15. The Council have raised concerns that the inclusion of a 1.7 metre obscure glazed balustrade would result in an unacceptable loss of light to the bedroom which the proposed roof terrace would be accessed.
16. Based on the submitted drawings the balustrade would appear to be somewhat transparent and would allow some light to pass through. Additionally light would still be able to enter the windows, of which there would be two, and through the top half of the proposed door, which would also be glazed. I

consider that the proposed balustrade combined with the retention of two windows and the provision of a glazed door would ensure that sufficient light would be provided to ensure that the bedroom would not be unduly gloomy.

17. The proposal would not cause material harm to the living conditions of future occupiers with regards to natural light. It would comply with LP policy Q2 and the guidance contained within the SPD which seek, amongst other things, to ensure that developments provide acceptable standards of amenity. The proposed development also complies with paragraph 130 of the Framework which seeks development that has a high standard of amenity for existing and future users.

Conditions

18. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. In addition to the standard implementation condition, a condition requiring the development to be carried out in accordance with the submitted drawings is reasonable and necessary for the avoidance of doubt and in the interests of proper planning. A condition requiring external materials to match those on the existing building would ensure a satisfactory appearance.
19. A condition requiring the balustrade to be 1.1 metres in height is not necessary as it would contradict the proposed development.

Conclusion

20. For the reasons given above I conclude that the appeal should be allowed.

Tamsin Law

INSPECTOR