



Appeal Decision

Site visit made on 6 June 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2023

Appeal Ref: APP/N5660/D/23/3317715

11 Thurlow Park Road, Lambeth, London SE21 8JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 1, Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs S Pond against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 22/04326/P1AA, dated 25 October 2022, was refused by notice dated 10 January 2023.
 - The development proposed is the upwards extension to the property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), permits development consisting of the enlargement of a dwellinghouse by construction of up to two additional storeys, where the existing dwellinghouse comprises two or more storeys. Development is permitted under Class AA subject to limitations and conditions and a requirement that the developer applies for prior approval to the local planning authority. It is common ground between the main parties that the proposal would be compliant with the limitations and conditions set out under paragraphs AA.1 and AA.2(2) and AA.2(3)(a)(iii)-(iv). The appellant applied to the Council for a determination in relation to matters set out in paragraphs AA.2(3)(a), who refused to grant the application.

Main Issues

3. The main issues are whether or not prior approval should be granted pursuant to Schedule 2, Part 1, Class AA of the GPDO, with reference to:
 - the living conditions of neighbouring occupants with particular regard to sunlight and outlook, and
 - the character and appearance of the dwelling and the area.

Reasons

Living Conditions

4. The neighbouring buildings to the appeal site, No's 9 and 13 Thurlow Park Road both have a number of windows which face the appeal site at first floor level, some of which serve lounge / dining kitchen rooms. The additional storey

would not be any closer to these neighbouring buildings, but according to the appellant they would only be separated by around 7m from them. Although no objections were received from neighbouring occupants, given these windows would face the long expanse of an additional storey at such close proximity, it would result in a significant reduction in sunlight and a harmful overbearing impact. Whilst the appellant has indicated that these side facing windows are also served by windows on other elevations or a rooflight, I have not been provided with any further details that confirm this.

5. The Council has raised concerns on the impact of the proposal on neighbouring gardens. These gardens are north facing, but due to their length and width, the proposal would not be likely to cause material harm to the users of those gardens, with respect to the loss of light or in terms of outlook.
6. I therefore conclude that the proposal would not comply with paragraph AA.2(3)(a)(i) of Class AA of Schedule 2, Part 1, Class AA of the GPDO which relates to the impact on the amenity of any adjoining premises. Although not determinative, the proposal would be contrary to paragraph 130 of the National Planning Policy Framework (Framework), which seeks, a high standard of amenity for existing and future users. Reference has also been made to a policy from the Lambeth Local Plan 2020-2035 (Local Plan), but I have not been provided with the full details of this policy.

Character and Appearance

7. The appeal property comprises of a detached dwelling which is situated in a row of similar detached dwellings. There is however considerable variety in the scale and style of buildings in the immediate vicinity of the site, including four and five storey properties opposite the site. The wide variety in the built form gives the area a mixed character.
8. The proposed additional storey would result in an eaves and ridge height on the appeal property that would differ from the neighbouring buildings. The scale of the appeal property would therefore diverge from the other neighbouring detached dwellings. However, whilst the height and detailing of the appeal property is currently consistent with neighbouring properties to either side, I do not consider the character of an area can be defined so narrowly, but rather it encompasses the built form that can be seen around the appeal site. Given the varied built form, I conclude the resulting mass and scale of the appeal proposal would not be harmful to the character and appearance of the dwelling or the area.
9. As such, insofar as it is a material consideration, the appeal proposal would not be contrary to paragraph 130 of the Framework, which seeks, amongst other matters, development that is sympathetic to local character. Reference has been made to a number of policies from the Local Plan, but copies of these have not been provided.

Other Matters

10. I note the erroneous reference to No. 23 in the Council's Delegated Report, but it is clear that they were referencing the properties either side of the appeal property. I have determined the appeal accordingly, having regard to the evidence before me and my site observations of the appeal and neighbouring buildings.

11. The appeal property is in an accessible location, and I note the reference to a development plan policy that states that small sites play an important role in contributing towards housing targets. Consideration of the development is however limited to the requirements of the GPDO only, which I have, for the reasons set out, found to be unacceptable.

Conclusion

12. For the above reasons and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR