



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/23/3313991

65 Truslove Road, Lambeth, London SE27 0QG

- 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 J Pinhiero against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 22/03931/FUL, dated 3 November 2022, was refused by notice dated 20 December 2022.
 - The development proposed is the modification of existing outbuilding comprising removal of wall connecting outbuilding to host building, removal of roof terrace and upstand above the outbuilding and removal of glazed roof and doors enclosing external courtyard and retention of resulting independent outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for the modification of existing outbuilding comprising removal of wall connecting outbuilding to host building, removal of roof terrace and upstand above the outbuilding and removal of glazed roof and doors enclosing external courtyard and retention of resulting independent outbuilding at 65 Truslove Road, Lambeth, London SE27 0QG in accordance with the terms of the application, Ref 22/03931/FUL, dated 3 November 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: OS Site Location Plan (Drawing No 1), Proposed Floor Plans (Drawing No 2) and Proposed Elevations and Section A-A (Drawing No 5).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The roof area of the development hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Preliminary Matter

2. At the time of my visit, the outbuilding was in place, although it was connected to the main building by side walls and a glazed roof. It also contained an enclosed roof terrace. The appeal proposal seeks to remove these connecting elements, as well as the roof terrace area. For clarity, I have dealt with the appeal proposal based on the submitted plans.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal property is situated on the southern side of Truslove Road which comprises of semi-detached and terraced dwellings. These are closely spaced together which limits views to the rear. The properties are setback behind front garden areas that contain a variety of planting, which alongside the presence of street trees, gives the area a pleasant, spacious suburban character.
5. The removal of the glazed roof and other connecting elements would result in the outbuilding being detached from the main building. Although there would be a staircase to the side of the outbuilding, this would provide a connection between two parts of the rear garden, that at the lower level and the upper terrace area. From the information before me and my site observations, this would result in the proposal being seen as an independent structure. The Council has referenced the excessive footprint of the appeal proposal, and whilst it would not be set in 1m from the site boundaries as sought by Policy Q14 of the Lambeth Local Plan 2020-2035 (Local Plan) given its smaller footprint and single storey height compared to the taller main building, it would appear to be sufficiently subordinate to it.
6. I note the Council expects paved areas to be kept to a minimum and both the courtyard and the elevated area to the rear of the outbuilding would be paved. They would nevertheless still provide open outdoor amenity areas that would contribute to the spacious character of the area.
7. I therefore conclude that the proposed development would not have an unacceptable adverse impact on the character and appearance of the area. As such, whilst it would not meet the distance to the boundary set out in Local Plan Policy Q14, it would not be contrary to its aims or those of Local Plan Policy Q5, which seek, amongst other matters, local distinctiveness to be sustained and reinforced. It would also not be contrary to the aims of the Building Alterations & Extensions Supplementary Planning Document or the National Planning Policy Framework (Framework) which seek development that is sympathetic to local character.

Other Matters

8. Concerns have been raised over the use of the roof area, but this is a matter that can be addressed by planning condition. I have taken into account all other matters raised, including reference to permitted development rights and the planning history of the site, but none of these matters would outweigh my conclusion on the main issue.

Conditions

9. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended the suggested conditions as appropriate.
10. A condition is necessary to ensure the development is carried out in accordance with the submitted details and a condition specifying matching external

materials is necessary in order to protect the character and appearance of the area. A condition is also necessary to limit the use of the roof of the outbuilding in the interests of the living conditions of neighbouring residential occupiers.

Conclusion

11. The proposed development would accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR