



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: 29 June 2023

Appeal Ref: APP/N5660/W/22/3311995

Flat 2, 68 Railton Road, Lambeth, London SE24 0LF

- 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 Oliver Rimoldi against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 22/02365/FUL, dated 30 June 2022, was refused by notice dated 5 September 2022.
 - The development proposed is the erection of railings to existing rear projection (with glazed privacy screen to north-eastern edge) to form roof terrace, along with the installation of dormer window to rear roof slope, to facilitate access to terrace.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my visit, the railings to the rear projection were in place. The siting and the design of these appeared to reflect the submitted details. For clarity, I have dealt with this appeal, based on the submitted plans.

Main Issues

3. The main issues are the effect of the proposed development on (i) the living conditions of occupiers of neighbouring properties with regard to noise and disturbance, and (ii) the character and appearance of the area.

Reasons

Living Conditions

4. The appeal proposal includes the creation of a roof terrace with a floor area of around 10sqm. The roof terrace would be at an elevated level and in close proximity to a number of other residential properties, including the adjoining property at 70 Railton Road which contains three flats.
5. The glazed screen that forms part of the appeal proposal differentiates this appeal scheme from previous applications. Whilst this screen could use acoustically rated material to absorb noise and would deflect some sound skywards, I am not convinced that this would provide an effective acoustic screen as the roof terrace would be an otherwise open structure.
6. A comparison of the appeal development has been made by the appellant with a typical open window, but there is no evidence before me that the roof terrace would result in a lower level of noise emission than such an open window, particularly given the large number of people that could potentially be

accommodated externally on the roof terrace. Reference has been made to other legislation that exists to control noise nuisance, but it is necessary, as set out in the Planning Practice Guidance¹, for noise to be considered in the planning process where development may create additional noise.

7. Given the above, I conclude that the appeal development would have an unacceptable adverse impact on the living conditions of occupiers of neighbouring properties with regard to noise and disturbance. As such, it would be contrary to Policy Q2 of the Lambeth Local Plan 2020-2035 (Local Plan), which seeks to ensure, amongst other matters, that development does not give rise to an adverse impact from noise. It would also be contrary to Paragraph 130 of the National Planning Policy Framework (Framework), which seeks, amongst other matters, a high standard of amenity for existing and future users.

Character and Appearance

8. The appeal property is situated in an area formed predominantly of terraced properties that are set on regular building lines. There is variety with both two and three storey properties present in the area, although many of these have regular features, such as bay windows and generally make use of London stock brick, which gives the area a cohesive, residential character.
9. The appeal site is in a prominent corner location, and, unlike the appeal property which has a three-storey rear projection, the remainder of the appeal terrace was formed of two storey rear projections. The flat roof that can be seen on part of the appeal building also differs from the pitched roof form that is prevalent on the remaining terrace. I do not however consider that this is a defining feature of the area, as flat roofs can be seen on a number of properties, including along Barnwell Road.
10. The proposed railings and glazed screen would increase the height of part of the appeal building, but it would still be lower than the main roof. The open railings and the screen being glazed and frameless would also not unduly increase the massing of the appeal building. The Council consider that the development would introduce a roof profile that is uncharacteristic of buildings in the area and result in visual clutter. However, railings can be seen at roof level on other buildings. The glazed screen would have a lightweight appearance and, although it would be visible from surrounding properties, it would not be prominent from public vantage points as it would be sited away from the side elevation to Barnwell Road.
11. I therefore conclude that the appeal development would not have an unacceptable adverse impact on the character and appearance of the area. As such, it would not be contrary to Policies Q2, Q5 or Q11 of the Local Plan, which seek, amongst other matters, to ensure that visual amenity is not unacceptably compromised.

Other Matters

12. Both main parties have referenced a previous appeal decision² on the appeal site. Some details of the scheme that was subject of this previous appeal have been provided, and based on these details, I acknowledge the appeal

¹ Paragraph: 001 Reference ID: 30-001-20190722

² Appeal Ref: APP/N5660/W/15/3009025

development differs from it. I also note the change in policy context and the planning history of the site since the previous appeal decision. I have considered this appeal accordingly having regard to all of these matters.

13. Reference has been made to a number of other roof terraces in the area by the appellant. I do not have the full details before me of these referenced developments, but it is evident from the photographs and other images presented, that they differed from the appeal development in their size, design and in their relationship with neighbouring residential properties. I can confirm that I have dealt with this appeal on its own merits.
14. The appeal site is not in a conservation area nor does it contain any listed buildings. It is in an accessible location in close proximity to a number of public transport connections. The proposal would also not give rise to any harmful overlooking. These are all however neutral matters and not ones which weigh in favour of the development.

Conclusion

15. The proposal would improve the standard of accommodation through the provision of outdoor amenity space, and the proposal receives support from a number of development plan policies and emerging guidance in this regard. I attach moderate weight in favour of the development to this matter.
16. There would be no harm in relation to the effect of the appeal development on the character and appearance of the area. These and other such referenced matters are however neutral considerations and not ones which weigh in favour of the development.
17. I have found that the proposed development would be harmful to the living conditions of the occupiers of neighbouring properties. This harm would be long lasting and would be contrary to the objectives of the Framework. I ascribe this substantial weight. As such, the benefits of the proposal would not outweigh the identified harm.
18. I have found that the development would conflict with the development plan read as a whole. It has not been demonstrated that there are any material considerations of sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

F Rafiq

INSPECTOR