



Appeal Decision

Site visit made on 11 January 2023

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 July 2023

Appeal Ref: APP/N5660/W/21/3288140

56-58 Buckleigh Road, London SW16 5RZ

- 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 Samuel Ludmir of Starwood Estates Ltd against the decision of the Council of the London Borough of Lambeth.
 - The application Ref: 21/03663/FUL, dated 14 September 2021, was refused by notice dated 16 November 2021.
 - The development proposed is described as: The demolition of the rear garages; the erection of ground floor rear wrap around extensions; and the installation of side windows in association of enlarging existing one-bed to create 2x two-bedroom flats.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of the rear garages; the erection of ground floor rear wrap around extensions; and the installation of side windows in association of enlarging existing one-bed to create 2x two-bedroom flats at 56-58 Buckleigh Road, London, SW16 5RZ in accordance with the terms of the application, Ref: 21/03663/FUL, dated 14 September 2021, 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: BR 56-58.EX01, BR 56-58.EX02, BR 56-58.EX03, BR 56-58.EX04, BR 56-58.EX05, BR 56-58.EX06, BR 56-58.PR01, BR 56-58.PR02, BR 56-58.PR03, BR 56-58.PR04, BR 56-58.PR05, BR 56-58.PR06, and BR 56-58.SP00.
 - 3) All new external work and finishes, and work of making good, shall match the original work in respect of the materials, colour, texture, profile, and finished appearance, except where indicated otherwise on the drawings hereby approved or unless otherwise required by condition.
 - 4) No roofs on the development shall be used as a roof terrace, sitting out area, or other amenity space.

Preliminary Matters

2. Although the Decision Notice issued by the Council and the appeal form give the date of the application as 16 September 2021, the Planning Application form is dated 14 September 2021. Consequently, I have used the date from the application form as the date of the application.

Main Issue

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

Reasons

4. The appeal building comprises a pair of two storey, semi-detached, houses which have each been converted to a number of flats. The building forms part of one side of a street of similar buildings standing in relatively large plots with a small front garden area and a larger rear garden.
5. The appeal site is located in a predominantly residential area. Many of the houses are nineteenth century, although there are a number of later, mid to late twentieth century insertions into the older built fabric. The opposite side of Buckleigh Road is a mix of nineteenth century, detached and semi-detached houses, and more recent properties.
6. The appeal building is constructed in a pale buff brick with red brick detailing. It has a hipped roof. To the ground floor front elevation there is a half hexagon bay window and arched doorcase in stucco to each of the former houses. To the rear of the building is a projecting rear addition with a pitched roof. The ground level to the rear of the properties is slightly lower than the street level and, as a result, the rear addition rises to three storeys.
7. Two large, flat roofed, double garages have been constructed to the rear of the appeal building and the garden area has been largely paved to form a driveway, circulation, and parking area. These garages are located close to, but not joined to, the projecting rear addition to the appeal building.
8. The appeal proposal involves the demolition of the existing garages and the construction of a single storey, flat roofed, ground floor extension which would wrap around the existing rear addition and project to approximately the same position as the front wall of the existing garages that it would replace. As a result of the proposed extension, the two ground floor flats at the rear of the building would be increased in size from one bedroom to two bedroom flats. The remaining flats within the building would be unchanged and the overall number of flats contained within the building would not increase.
9. Policy Q2 of the Lambeth Local Plan 2021 (the Local Plan) seeks to ensure that new development does not compromise visual amenity from adjoining sites and from the public realm, whilst Local Plan Policy Q5 promotes local distinctiveness and design that is a response to positive aspects of the local context and historic character. Local Plan Policy Q11 addresses extensions to dwellings and is supportive of extensions which have the potential to deliver enlarged and additional residential units.
10. Policy Q11 also sets out a number of criteria that infill extensions alongside existing rear additions are generally expected to meet. These include having a glazed, lightweight, appearance to differentiate them from the rear return and not projecting beyond the end wall of the rear addition above ground floor level. It goes on to state that full-width rear extensions will normally be supported where they have a design which positively responds to the original architecture, roof form, detailing, and fenestration of the host building, and are subordinate to the existing building.

11. The Council's Building Alterations & Extensions Supplementary Planning Document 2015 (the SPD), which is to be read alongside the policies in the Local Plan, sets out that physical subordination ensures that the extension does not dominate the host building or overwhelm its form and composition. It also states that single storey wrap-around extensions are potentially acceptable, so long as subordination can be achieved and there is no harm to amenity.
12. I saw when I visited the site that, due to the close spacing of the buildings on this side of the street, the proposed extension would not be readily visible from the public domain although it might be glimpsed through the slightly wider gap between numbers 58 and 60 Buckleigh Road. I also observed that the interior of the perimeter block formed by Buckleigh Road, Guildersfield Road, Tankerville Road, and Kempshott Road contains a large number of established and mature trees with the garden areas which would reduce the visibility of the proposed extension from the rear windows of most of the surrounding houses. Whilst it may be visible in oblique views from the rear windows of numbers 54 and 60 Buckleigh Road, it would not be perceived as significantly different from the existing flat roofed garages, despite having a larger overall footprint.
13. The appeal site is not within or adjacent to a conservation area. Nor is the appeal building, or any of the neighbouring properties, a listed building. The Council have not raised concerns that the proposal would unacceptably reduce the amount of external space within the curtilage of the appeal building. Within this context, although the proposed extension would result in a small change to the character and appearance of the area, due to the lack of visibility from the public domain and the restricted visibility in private views, this change would not amount to harm.
14. The proposed extension would be large, and the flat roofed design would differ from the hipped and gabled roofs elsewhere on the building. The side, infill elements would not meet the requirement of Local Plan Policy Q11 as they are proposed to be constructed in brickwork. However, both the existing rear addition and the proposed extension would have similar solid to void ratios and similar window sizes and forms. The flat roofed form of the proposed extension and degree of projection would, nevertheless, differentiate the extension from the rear addition. Due to the ground level change between the front and the rear of the building, the proposed extension would be set lower than the ground floor level of the main part of the building and two storeys of the existing rear addition would remain visible above it. Although the proposed extension would not meet the requirements of Policy Q11 in terms of its materiality, it would achieve the expectation of the policy to differentiate the new extension from the existing rear addition.
15. The principal area of dispute is whether the proposed extension would be subordinate to the existing building. The proposed extension would increase the ground level footprint to the rear of the building. However, the appeal building is itself a substantial structure. The flat roof of the proposed extension, whilst differing from the roofs on the existing building, would also serve to lower the perceived height of the extension in relation to the existing building. As set out above, the built form and visual appearance of the rear addition would remain apparent due to its size and overall height relative to the proposed extension.

16. In addition, there are the two large garages presently located to the rear of the appeal building. Although these are not joined to the appeal building, there is only a small gap between the gable elevation of the existing rear addition and the rear walls of these garages. Whilst it would be slightly wider, the proposed extension would project a similar distance from the rear of the appeal building and would only be marginally higher than the existing garages. I observed when I visited the site that, whilst large, these garages do not visually dominate the rear part of the appeal building due to the change in ground levels and the flat roofs.
17. Within this overall context, I find that the proposed extension would be subordinate to the existing building and that it would still be possible to discern the historic form of the pair of semi-detached houses post development. Drawing the above points together, the proposal would meet the expectations of the policies in the Local Plan, when read together as a whole and alongside the advice in the SPD.
18. I therefore conclude that the proposed development would not cause harm to the character and appearance of the area. It would not conflict with the relevant requirements of Local Plan Policies Q2, Q5 and Q11, or the SPD.

Other Matters

19. I have had regard to the points raised in the representations from interested parties. There is no substantiated evidence before me that there is insufficient capacity in the drainage system to accommodate the extended flats. Similarly, there is no substantive evidence in respect of car parking demand or parking stress in the area. The appeal site is not within a controlled parking zone and at the time of my site visit, although there was on-street parking occurring, the street was not heavily parked. I recognise that this only represents a snapshot of the conditions at that time, however there is nothing before me that would indicate that the proposal would result in an unacceptable increase in parking demand in the area and I also note that the Council have not raised any concerns in this regard. Whilst the representations suggest that the proposal would result in the development of the whole of the area to the rear of the appeal building, this is not borne out by the submitted drawings or what I saw when I visited the site.

Conditions

20. I have had regard to the list of conditions that have been suggested by the Council. In order to provide certainty in respect of what has been granted planning permission, I have attached a condition specifying the approved drawings. Precise details of the proposed materials to be used for the construction of the development were not included in the application. In the interests of the external appearance of the appeal building and the surrounding area, it is necessary to impose a condition requiring that the proposed extension be constructed using materials to match those of the existing building.
21. The Council has suggested a condition is required to prevent the flat roof of the extension from being used as a roof terrace or amenity space. The details of the proposal do not indicate that such a use is intended. However, the roof of the proposed extension would be level with the floors of the first floor rear flats within the main building and it would be possible to access the flat roof from

windows within these flats. This would give rise to potential for overlooking of neighbouring windows and gardens. Consequently, a condition to this effect is reasonable and necessary in order to prevent any harm to the living conditions of occupiers of the neighbouring properties.

Conclusion

22. I have found that the proposal would not conflict with the policies in the development plan for the area, and no other considerations have been identified which would indicate that a decision should be made other than in accordance with that plan. For the above reasons, I therefore conclude that the appeal should be allowed.

John Dowsett

INSPECTOR