



Appeal Decision

Site visit made on 16 May 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 10 July 2023

Appeal Ref: APP/N5660/W/22/3303389

14 Dalkeith Road, Lambeth, London SE21 8LS

- 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 Andrew Lipinski against the decision of London Borough of Lambeth.
 - The application Ref 22/00386/FUL, dated 2 February 2022, was refused by notice dated 29 April 2022.
 - The development proposed is loft conversion with a rear dormer and roof lights to the front elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Amended drawings have been submitted with this appeal which omit the proposed change in roof type on the existing outrigger extension. Although the appeals process should not be used to evolve a scheme, I am satisfied that the amended drawings are consistent with the description of development given in the original application form and in the banner heading above. Further, in this case, the changes would constitute a lesser scheme and would not prejudice other interested parties. Consequently, I have considered drawing SS10376-B Rev 2 in the determination of this appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and the area, with particular regard to the rear dormer.

Reasons

4. The area is residential and comprises two-storey terraced properties with rear outriggers grouped in pairs. The roofs in the area appear largely unaltered to the front with a number of dormer extensions of varying design and size to the rear. The host property is subdivided into flats with this appeal related to the first floor flat.
5. Although the proposed dormer would be marginally set down from the ridge and up from the eaves, it would span the full width of the host property and would fill the majority of the roof slope. Despite the use of matching materials and windows which relate to the proportions of the existing windows, the dormer would dominate and largely square off the existing roof.

6. There are a number of dormers in the area, some of which are larger than the proposal. However, the intervening structures provide a clear break between the host property and the larger dormers that characterise the terrace to the west. Therefore, the larger dormers do not form the immediate context of the proposal and the site and adjoining built form have a different character. The dormers adjacent the host property at Nos 6-8 and 10-12 Dalkeith Road are much more modest in size, set significantly down from the ridge, up from the eaves and in from the flanks. Although the proposed dormer would not be visible from Dalkeith Road, it would be visible from surrounding properties and Pymers Mead and would be a bulky addition to the roofscape.
7. My attention has been drawn to details of several other dormer extensions in the wider area. However, the majority of the examples are some distance away from the appeal site, where the character and appearance is different. Although No 29 Dalkeith Road is located opposite the appeal site, it is a mansard roof extension and is considered acceptable under alternative policies. Moreover, the existence of other dormers in the area does not justify the harm identified to the character and appearance of the area above.
8. Therefore, I conclude that the proposal would harm the character and appearance of the area and would conflict with Policies Q2, Q5, Q8 and Q11 of the Lambeth Local Plan 2020-2035 (September 2021). Collectively, these seek to ensure that development sustains and reinforces local distinctiveness and visual amenity, through the use of high-quality designs, that are visually attractive and subordinate to host buildings. Similarly, there is conflict with the Building Alterations & Extensions Supplementary Planning Document (September 2015) where it sets out design guidance for subordinate dormer roof extensions.

Other Matters

9. I note the appellant's assertion that the proposal would be considered permitted development if the appeal property were a house and therefore should be considered acceptable. However, as a flat, the proposal does not benefit from permitted development rights and the proposal must be assessed against the relevant development plan policies. Further, compliance with permitted development guidance does not guarantee compliance with local development plan policies.
10. The lack of planning history and enforcement proceedings on other large dormers within flats in the surrounding area does not equate to an approval by the Council, and their presence is therefore not a reason, on its own, to allow development which conflicts with relevant development plan policies.
11. The proposal would make an effective use of land, allowing the appellant to expand their home and improve the suitability of the property for family use and home working now and in the future. While the proposal would increase the energy efficiency of the property, I am not satisfied that the proposal would be the only way to achieve this. Due to the limited scale of the proposal, the social and economic benefits of the scheme, including local jobs and increased council tax contributions, would be limited. Overall, these matters do not outweigh the harm I have identified nor provide justification for development that conflicts with the development plan.

12. I acknowledge that the proposal would not harm the living conditions of surrounding neighbours and that there have been no objections raised. The available evidence also indicates that the proposal would not harm ecology. However, these are neutral matters which neither weigh in favour of, or against the appeal proposal.

Conclusion

13. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework and its presumption in favour of sustainable development – which is not applicable in this case – that would outweigh that conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR