



Appeal Decision

Site visit made on 9 May 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2023

Appeal Ref: APP/N5660/W/22/3310386

174 Hailsham Avenue, London, SW2 3AJ

- 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 Ms J Lear against the decision of London Borough of Lambeth.
 - The application Ref 22/02785/FUL, dated 1 August 2022, was refused by notice dated 26 September 2022.
 - The development proposed is described as "enlarged rear dormer and replacement of rear window and set of doors."
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Decision

1. The appeal is allowed and planning permission is granted for the enlarged rear dormer and replacement of rear window and set of doors at 174 Hailsham Avenue, London, SW2 3AJ in accordance with the terms of the application, Ref 22/02785/FUL, dated 1 August 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: Site Plan, Proposed Plans Section & Elevations ST_JUL 21_174 HAI_002 and Proposed Sash Window Detail ST_JUL 21_174 HAI_003.
 - 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.

Main Issues

2. The main issues are the effect of the development proposal on the character and appearance of the host property and its surroundings, including the Leigham Court Estate Conservation Area (CA).

Reasons

3. The appeal site lies within a CA which derives its significance from its history, as an early model estate, and its architectural quality. The CA is characterised by 19th Century terraced residential dwellings and flats laid out in a grid pattern. Hailsham Avenue is one such terrace and properties on this street share a strong building line and architectural composition. There is considerable uniformity in terms of scale and massing of the buildings, although there is some variety in terms of detailed design and finish. As such, the CA has a pleasant, unified character and appearance.
4. No. 174 Hailsham Avenue is a three-storey end of terrace building on the south-western side of the road. The building appears to have been purposely

built as two flats, with the first-floor flat benefitting from dormer windows to the front and rear elevations. Both dormer windows are a common feature of the terraces on Hlisham Avenue.

5. To the rear of the appeal site is Mountearl Gardens which comprises a flat roof ambulance station at its entrance and three storey blocks of flats. A gap between the ambulance station and the first block of flats allows a glimpse of the rear of the appeal property.
6. The existing rear dormer comprises two windows, and I noted during my site visit that other rear dormers along Hlisham Avenue vary in their materials, scale and fenestration. Whilst there is a general uniformity to the buildings in the area, the rear dormer window is one element where there are differences. Nevertheless, the dormer windows are set down from the ridge line and set in from the side, appearing subservient to their host buildings.
7. The Council's concerns relate to the provision of an enlarged dormer window, no objection has been raised relating to the window and doors, which from the plans appear to be a like for like replacement. The appeal site already benefits from permission¹ for enlarged dormer window, which would see the dormer extended from two to three windows. The proposed development would add a further two windows to this approved scheme, therefore increasing the overall width of the dormer window by more than double. Despite this increase, the proposed development would be the same height, retaining its significant set down from the ridgeline and would be set in from the side of the building. The legibility of the roof would not be affected, and the proposed development would appear as a minor enlargement of an existing feature.
8. Whilst the proposed development would be visible from Mountearl Gardens, the use of matching materials, fenestration size and set down would ensure that the proposal would be in keeping with the both the host and nearby buildings. The proposed development would therefore not harm the character or appearance of the host building, or surrounding area, nor would it be an intrusive feature in the wider roofscape that would diminish the pleasant, unified character of the CA.
9. The proposed development would therefore comply with Policies Q5, Q11 and Q22 of the Lambeth Local Plan 2020 - 2035 (2021) (LP) and the guidance contained within the Building Alterations and Extensions Supplementary Planning Document (2015) (SPD) which seek, amongst other things, to ensure that developments are sensitive to the character and appearance of its surroundings, avoids harm to the significance of heritage assets and that dormer windows should be subordinate in nature and that the prevailing character of the area should be respected. It would also comply with Paragraphs 130 and 199 of the National Planning Policy Framework (the Framework) which seek to ensure that developments are sympathetic to local character and history, including the surrounding built environment.

Conditions

10. No conditions have been suggested by the Council; however, I have had regard to the conditions attached to the previous permission. As such I consider that a condition to ensure compliance with the approved plans is necessary for the

¹ APP/N5660/W/21/3287580

avoidance of doubt and in the interests of proper planning. A condition regarding materials is necessary in the interest of the appearance of the development and the character and appearance of the CA. This condition was included on the previous consent, and I consider that it is still relevant.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed.

Tamsin Law

INSPECTOR