



Appeal Decision

Site visit made on 21 June 2023

by S Lo LLB M.SRA

an Inspector appointed by the Secretary of State

Decision date: 22 August 2023

Appeal Ref: APP/N5660/W/22/3313043

5 Stockwell Avenue, Lambeth, London, SW9 9SY

- 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 Ross Goodwin & Jennifer Fleetwood against London Borough of Lambeth.
 - The application Ref 22/03412/FUL, dated 23 September 2022, was refused by notice dated 11 November 2022.
 - The development proposed is the erection of rear balconies at first and second floor level.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the slightly amended description of the development proposed given in the appeal form, I am required to consider the appeal on the basis of that provided on the original application form, as indicated in the banner heading.

Main Issue

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

Reasons

4. The appeal site contains a three-storey mid-terrace property, which is separated into three flats. The ground floor flat has a rear single storey extension, and the garden is only accessible to the residents of that flat. The proposed development would provide the first and second floor flat with limited access to external amenity space through the construction of two separate balconies.
5. The building is typical of properties of the area, featuring buff facing brickwork with stucco detailing. While it would be visible from some adjacent properties, it would be moderately screened due to the presence of existing vegetation, parapet wall and other rear extensions in the local area. As a result, there would be limited visibility from public views along the adjacent highways, including from Gateley Road, Bellefields Road and Stockwell Avenue.
6. Due to ongoing works, views were limited to the first floor during my site visit, however, this vantage point was sufficient for me to observe examples of external amenity space at other visible properties from the rear of the appeal

site. Specifically, I noted that several properties made use of roof terraces in the locality. However, their visual effect differs insofar as they make use of existing roof space, as opposed to balconies which add additional visual prominence to the structure as elevated platforms. As such, the presence of existing roof terraces are not directly comparable exemplars.

7. Additionally, while there were indications that these roof terraces were in use during my site visit, neither party has supplied additional planning-based evidence to demonstrate their lawful use. Nonetheless, based on my own observations at the appeal site, which indicated that they had been in use for a significant amount of time, I consider that on the balance of probability and for the purposes of this appeal, that the use of elevated external space does form part of the character of the area.
8. The two balconies would have a width of over 3.5 metres and a depth of over 1 metre. The sides would have an overall height of over 1.9 metres, with frosted glazing. White aluminium sliding glazed doors would be installed to enable access to the balconies. As such, due to their large size and aluminium construction with significant amounts of glass, they would appear as a prominent and incongruous feature, when compared with the predominantly buff facing brickwork. It is common ground between the parties that balconies are uncharacteristic of the area and would therefore be at odds with the prevailing pattern of built form. There would be some limited screening from public views, however, given the high degree of visibility of the roofscape in the local area from neighbouring properties, this would not sufficiently address fundamental concerns regarding the failure of the appeal scheme to harmonise with local character.
9. In reaching this view, I have considered that the balconies would be of high quality, made of robust materials and that they would not change the spacing or layout between buildings. Nonetheless, noting particularly the greater extent of glazing proposed, it would appear as a prominent and discordant feature which would be out of keeping with, and harmful to, the appearance of the property and the wider terrace.
10. While the use of elevated external space does form part of the character of the area, this would not justify the erection of balconies for the reasons stated above. Whilst the appeal site is not located within a conservation area, this does not undermine the requirement for the appeal scheme to respect local character.
11. In conclusion, the appeal scheme would harm the character and appearance of the surrounding area and would therefore not respond to local distinctiveness or respond positively to the original architecture, contrary to Policies Q5 and Q11 of the Lambeth Local Plan (2021). It would also not relate to the architectural conventions of the existing building, contrary to the Building Alterations & Extensions Supplementary Planning Document (2015)

Other Matters

12. The benefit the new balconies would bring to the existing flats (who currently have no outdoor space) is acknowledged, however this would not offset the harm they would cause to the appearance and character of the existing building and the visual amenities of the locality in general.

13. I have considered representations regarding the energy efficiency and air circulation, but these are matters which do not affect my findings on the main issue.

Conclusion

14. I have found that the appeal scheme conflicts with development plan policy and thus find that it would be contrary to the development plan as a whole. No material considerations have been demonstrated which would outweigh the planning development conflict. Therefore, for the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR