



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: 6 September 2023

Appeal Ref: APP/N5660/W/22/3312956

7 and 9 Hayter Road, Lambeth, London, SW2 5AR

- 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 Simon Lea & Mr Harold Cudmore against London Borough of Lambeth.
 - The application Ref 22/03407/FUL, dated 22 September 2022, was refused by notice dated 4 November 2022.
 - The development proposed is extending existing third floor, rear & front mansard extension to flats No. 7c & 9c Hayter Road
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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.
3. The address on the application form refers to the site as '7C Hayter Road'. However, the other evidence refers to '7 And 9 Hayter Road' and as it is a more accurate description of the appeal site, I have used this address in the banner heading above.
4. The names of the appellants are unclear, however, through reference to the application form and associated appeal documentation, I have adopted the above names in the banner heading above.

Main Issue

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

Reasons

6. The appeal site contains a pair of semi-detached Victorian era buildings, each four storeys in height with a double-pitched roof. Each building is subdivided into three flats.
7. Hayter Road and the surrounding area includes a variety of property types, including three and four storey Victorian terraced houses, detached Victorian villas and two storey Edwardian terraces. Despite this variation, the buildings in the locality are broadly similar in terms of size and height, with the exception

- of the larger, more modern development at Brixton Hill Court. This building runs directly parallel to the appeal site and overlooks it from the rear aspect.
8. The roof level extensions proposed are not a common feature of buildings of this area, particularly those of Victorian design. As such, they would be at odds with the prevailing pattern of built form. The extensions would not be set in from the side and the external terrace would extend forward close to the edge of the roof at the front. In this sense, the proposed development would become a more visible presence in views from the surrounding properties, specifically other dwellings located at the front and rear. Due to the height of the proposed development, there would be almost no screening from vegetation. However, there would be limited visibility from the public highway on Hayter Road due to the height of the proposed development. Nonetheless, given the significant degree of visibility of the roofscape in the local area, it 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 external terraces would set the roof extensions back from the front eaves, that there would be symmetry between 7 and 9 Hayter Road and that there would be a proportionally modest increase in the overall height of the appeal site as a four storey building. Nonetheless, noting particularly the visibility and lack of any other external terraces in the area, and the scale of the proposed development, they 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. The neighbouring buildings at 1, 3 and 5 Hayter Road have roof extensions, which are similar in form to the proposed development, notwithstanding they do not contain roof balconies. It is a point of disagreement between the appellant and the Council as to the lawfulness of these roof extensions. Neither party has drawn my attention to any relevant Lawful Development Certificates or planning permissions. As such, I am not aware of the particular circumstances of these developments. Accordingly, they carry limited weight. In any event, I must consider the appeal scheme on its own merits, and in the context of the current policy regime which requires roof alterations to be compatible with the main building and the wider context. Whilst there may be other roofs in the area which have been enlarged and other buildings which are taller, this does not undermine the requirement for the appeal scheme to ensure that the visual amenity of neighbouring properties is protected.
 11. In conclusion, the appeal scheme would harm the character and appearance of the area. It would therefore not comply with the requirement for development to protect the visual amenity from adjoining sites, would deviate from locally distinct development patterns and would not respond positively to the original architecture, contrary to Policies Q2, Q5, Q8 and Q11 of the Lambeth Local Plan (2021). It would also not respect the character of the existing building, contrary to the Lambeth Building Alterations & Extensions Supplementary Planning Document (2015). Additionally, it would not be sympathetic to local character and the surrounding built environment, contrary to Section 12 of the National Planning Policy Framework.

Other Matters

12. I have considered representations regarding the benefits of private amenity/open space and the improvement in outlook for future occupiers,

however, this benefit would not justify the harm to visual amenity. While I recognise that a high standard of materials would be used, this would also be sufficient to justify the harm to the amenity of the area. I have also considered that the current roof is in a poor state of repair, however, any repair works can still continue in the absence of the proposed development. As such, the above representations are matters which do not outweigh my findings on the main issue.

Conclusion

13. 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 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