



Appeal Decision

Site visit made on 3 October 2023

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2023

Appeal Ref: APP/N5660/D/23/3321617

129 Clarence Avenue, Lambeth, SW4 8LX

- 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 Mrs Emma Fonseca against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 22/03321/FUL was submitted on 15 September 2022 and was refused on 10 February 2023.
 - The development proposed is described as demolition of existing garage and erection of new 2 storey side and rear extension.
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Costs

1. An application for costs was made by the Appellant against the Council of the London Borough of Lambeth. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Preliminary matters

3. When the application was originally submitted it included a replacement rear two storey extension. This element of the proposal was deleted from the scheme during the processing of the application. The appeal has been determined on this basis.
4. In their delegated report the Council has stated that the existing hip to gable and rear dormer extension do not benefit from either planning permission or a lawful development certificate. For the avoidance of any doubt, I confirm that it is not before me to determine whether they require planning permission or benefited from any relevant permitted development rights. This decision deals solely with the proposed two storey side and single storey rear extension.
5. The Council has referred to the Lambeth Building Alterations and Extensions SPD (2015) in its delegated report. This has now been replaced by the Lambeth Design Guide Part 4 - Building Alterations, Extensions and Retrofit August 2023 (SPD). In relation to side extensions the advice is very similar in both documents. Hence, I consider that to refer to the updated document would not prejudice either of the main parties.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the host pair of semi-detached houses and the street scene.

Reasons

7. The southern part of Clarence Avenue is characterised by pairs of uniformly and spaciouly sited, mid-war semi-detached family dwellings. They are set back from the street scene behind enclosed front gardens, which include areas of soft planting. There are wide grass verges, with trees on either side of the road and on the opposite side of the road is Agnes Riley Gardens. This together with the soft planting within the front and rear gardens, contributes to the spacious and verdant residential character and appearance of the locality.
8. Whilst the dwellings were originally symmetrically designed and uniformly sited, with pairs of garages sited between them, they now include a diverse range of single and two storey side and rear extensions, along with hip to gable and dormer roof additions. Notwithstanding this, their original front elevations largely retain their sense of symmetry and the wide gaps between the dwellings above ground floor level have retained their sense of space and uniformity.
9. The appeal dwelling has a hip to gable side roof extension and to the rear are a wide dormer extension, a projecting two storey extension with a hipped roof and a flat roofed single storey extension. The attached dwelling at 27 Clarence Avenue (No.27) has a wrap-around single storey side/rear extension with a pitched roof. It is partially visible from the street scene, above the flat roofed side extension that links the house to the garage.
10. Together and amongst other things policies Q5 and Q11 of the Lambeth Local Plan (2021) (LP) seek to sustain and reinforce the borough's local distinctiveness. New development should respond to the positive aspects of the locality in terms of built form, including roofscapes and relationship to other buildings. The design of extensions should respond positively to the original architecture, roof form, detailing, fenestration of the host building, group characteristics and other locally distinct forms. They should be subordinate to the host building; maintain gaps between dwellings above ground floor level and prevent visual terracing.
11. The supporting text to these policies advises that the majority of Lambeth's buildings are built to established local patterns and forms. Design unity, repetitive detailing and compositional harmony are essential characteristics of local distinctiveness and should be respected.
12. LP Policy Q10 requires particular account of existing trees on a site or on adjoining land. Development should not result in the loss of trees of significant amenity value.
13. Consistent with this the SPD advises that the space between buildings can be an important characteristic of the street scene. That whilst LP Policy Q11 (h) identifies that the minimum retained space is one metre, there may be instances where much more than one metre will be required, especially in areas where side space is important to local character. Side extensions which unacceptably imbalance existing building compositions are likely to be unacceptable.

14. It is acknowledged that the proposed side extension would visually break up the existing plain gable end and would partially screen the large rear dormer cheek. However, its shallow pitched and crown roof would look awkward and contrived. Together with the existing gable and rear dormer the roof of the dwelling would appear fragmented and poorly proportioned. Also, due to its combined width and squat shallow pitched roof, the proposed extension would fail to respect the vertical proportions of the host dwelling.
15. Overall, due to its combined height, width and roof design the proposed side extension would unbalance the existing pair of dwellings and the spacious and uniform gaps above first floor level between the dwellings.
16. Conversely the proposed single storey extension to the rear of the proposed side extension would respect the form, design and appearance of the existing single storey rear extension. It would blend in readily with the rear garden environment, which includes a diverse range of single and two storey rear extensions.
17. The appellant has referred to a number of approved two storey side extensions within the borough. Whilst they demonstrate that the Council does allow side extensions, without copies of the approved drawings it is not possible to compare the appeal proposal to them. However, having viewed these streets during the site visit it is clear that the properties concerned are not within rows of identically designed pairs of houses with uniform spacious gaps above ground floor level between them. Rather than set a precedent they highlight the need to assess each proposal on its individual merits and in light of the prevailing planning policies.
18. Finally, I note that the proposed side/rear extension would be sited within the proximity of a couple of modest sized trees within the side garden of the adjacent property. Whilst these trees are largely screened from the street scene by the appeal dwelling and the dwelling at 131 Clarence Avenue (No.131), they are visible above the existing garages when viewed from outside the two dwellings. They contribute to the verdant character and appearance of the locality. Notwithstanding this, were they to be cut back or removed there are further similar sized trees to the east of them which would then be clearly visible within the resultant gap between the proposed side extension and the dwelling at No.131.
19. Whilst the trees are attractive and appropriate within this residential area, I do not find them to be of significant amenity value, as their contribution to the character and appearance of the street scene is modest. As such, were the proposal to result in the need for the trees to cut back or removed it would not amount to a reason for dismissing this appeal. Irrespective of this, it is important to retain trees for a variety of reasons and the trees should be appropriately protected during the construction process. Ideally, protection measures should be submitted at the application stage, but as an alternative they could be secured through the imposition of appropriate conditions. The responsibility for any harm that may be caused to these trees by the proposal would be a private matter that falls outside the scope of this appeal.
20. Whilst I have found in favour of the appellant on some matters, for the reasons set out in the above paragraphs, I find that the proposed two storey side extension would unacceptably harm the character and appearance of the host building and the street scene. This harm would clearly outweigh the benefits of partially screening the existing gable wall and dormer cheek and the benefits

for the appellant and their family resulting from the additional accommodation. These concerns could not be satisfactorily addressed through the imposition of conditions.

21. I conclude on the main issue that the proposal would unacceptably harm the character and appearance of the pair of dwellings and the street scene. Accordingly, it would conflict with LP Policies Q5 & Q11.

Other matters

22. The proposed two storey side and single storey rear extension would be located to the north and over four metres from the flank wall of the dwelling at No.131. Also, the two-storey element of the proposed extension would not project beyond the main rear building line of the dwelling at No.131 and the windows in the flank wall of the proposed extension would be obscure glazed. For these reasons the proposed extension would not result in an unacceptable loss of daylight/sunlight or loss of privacy for the occupiers of No.131.
23. Finally, the concerns raised regarding the handling of the appeal application by the Council are not material to the planning merits of the proposed extension. It is a matter that could be taken up directly with the Council.

Conclusion

24. Whilst I have found in favour of the appellant on some matters, the conclusion on the main issue amounts to a compelling reason for dismissing this appeal.

Elizabeth Lawrence

INSPECTOR