



Appeal Decision

Site visit made on 26 September 2023

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2023

Appeal Ref: APP/N5660/W/23/3316429

43 South Lambeth Road, Lambeth, London SW8 1RH

- 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 Tolu Ayo-Yusuf against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 22/04089/FUL, dated 17 November 2022, was refused by notice dated 23 January 2023.
 - The development proposed is terrace conversion at second floor and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted revised drawings to the council before the application was determined. Planning Practice Guidance (Making an application, paragraph 061, Reference ID: 14-061-20140306 - revision date 06 03 2014) indicates that whilst it is possible for an applicant to suggest changes to an application, it is at the discretion of the local planning authority whether to accept such changes. The Council have confirmed that the application was determined on the basis of the drawings originally submitted. I proceed to determine the appeal on the basis of the proposed plans upon which the Council made its decision, given that the proposed changes in the revised drawings involve substantial differences to the alterations originally applied for. It follows that the communication with the council regarding the amendments is a matter between the parties and has little bearing on my determination of this appeal.
3. Notwithstanding the above, it is noted that one of the revised drawings submitted by the appellant provides an updated existing drawing to correct an error and clarify the ridge height of the main roof. This provides important clarification that there are no proposed alterations to the existing ridge height of the main roof of the host building or alterations to the profile of the existing hipped roof, beyond the addition of rooflights. Accordingly, I have amended the description of development to reflect this, and considered the appeal on that basis.

Main Issues

4. The main issues are:
 - Whether the proposal would preserve or enhance the character, appearance and significance of the Vauxhall Conservation Area.

- The effect of the proposal on the living conditions of the occupiers of 41 South Lambeth Road with regard to outlook, daylight and sunlight.

Reasons

Character and appearance of the Conservation Area

5. The Vauxhall Conservation Area (CA), although densely developed, incorporates two parks, community gardens, and many tree-lined streets. It is bisected by the busy commercial and residential thoroughfares of South Lambeth Road and Kennington Lane. To the west, the area is defined by the railway, the brick arches forming a dominant part of the townscape; the easternmost boundary reaches Kennington Oval. Off the main roads are typically residential streets, often with 19th Century brick terraces and some more modern, largely brick-built, infill development. The significance of the heritage asset is derived from its pattern of brick-built 19th Century residential development, including many terrace frontages of high townscape value. Another key feature is the characteristic form of rear return extensions. The Vauxhall Conservation Area - Conservation Area Statement (2016) specifically identifies that the repetitive character of rear elevations in terraces and groups is a key part of the conservation area's character, often visible from side streets and junctions.
6. The appeal site is a mid-terrace building, part of a short parade of commercial units at ground floor with residential units above. This red-brick terrace comprises three storeys, curving around a bend in the road. The facades are highly detailed with decorative parapets which conceal hipped roofs of a uniform ridge height along the terrace. Despite the presence of some uPVC windows and shopfronts, the terrace as a whole has an ordered and decorative appearance. It is identified in the council's Conservation Area Statement as a block with great townscape value and I consider it makes a positive contribution to the significance of the CA.
7. The rear elevation of the terrace is highly visible owing to its proximity to the junction of Fentiman Road and open aspect over a builders' merchants yard. There are generally full height, part width returns to the rear of the buildings with the notable exception of the appeal site which has a full width, full depth rear addition up to first floor. The rear first floor also contains a large expanse of glazing which has the effect of drawing attention to the significant bulk of the extension.
8. The proposed alterations at second floor to facilitate the terrace conversion would increase the bulk of the existing full-width rear addition. Given the size and prominence of this extension already in views from Fentiman Road, the additional bulk and height would make it more prominent in these views, eroding any sense of subservience to the host building. The glazed doors would also appear somewhat incongruous at this level where, historically, more modest openings would be found. Given the scale of the proposals, I find that there is less than substantial harm caused to the significance of the CA due to the size and prominence of the extended wall, along with the incongruous glazed doors at second floor. For certainty, the addition of rooflights to the side slope of the existing hipped roof as proposed does not contribute to the harm identified as they would be inconspicuous due their position and the screening from public vantage points afforded by surrounding built form. However, this does not alter my overall findings of harm in relation to the proposal.

9. The statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Paragraph 202 of the National Planning Policy Framework 2023 (the Framework) requires that where less than substantial harm is identified, this harm should be weighed against the public benefits of the proposal. In this case, the benefits are largely private in terms of the provision of a private terrace for the use of occupiers of the property and an additional bedroom to the dwelling. As such, there would be little public benefit to offset the identified harm. Therefore, the proposal would not accord with the policies of the Framework which seek to conserve and enhance the historic environment.
10. I conclude that the proposal, specifically the alterations at second floor level, would fail to preserve or enhance the character and appearance of the Vauxhall Conservation Area. The proposal, therefore, would conflict with Policies Q5, Q11 and Q22 of the Lambeth Local Plan 2020-2035 (LP), adopted September 2021. The policies, when taken together and amongst other things, seek that local distinctiveness is sustained and reinforced through new development, that design of development positively responds to original architecture, detailing and fenestration, and require development within conservation areas to either preserve or enhance its character and appearance. The policies are consistent with the Framework to which there is associated conflict as previously identified.

Living conditions for adjacent residents

11. The extension of the brick parapet to enclose the second floor terrace would significantly raise the wall along the full depth of the extension. Windows serving residential properties adjacent at 41 South Lambeth Road would be located adjacent to and opposite the extended wall. Given the height of the wall and proximity of the windows, the effect of the proposals would be to make people living at no. 41 feel more enclosed, significantly reducing the outlook from the affected windows. No substantive evidence has been provided to suggest that daylight and sunlight would not be materially affected by the proposals, given that the orientation of the windows at no. 41.
12. As such, I conclude that the proposal, specifically the proposed alterations at second floor, would harm the living conditions of the occupiers of 41 South Lambeth Road having regard to matters of outlook, daylight and sunlight. The proposal, therefore, would conflict with Policy Q2 of the LP which, amongst other things, states that development will be supported if adequate outlooks are provided and development would not have an unacceptable impact on levels of daylight or sunlight in an adjoining property. The policy is consistent with the aims of the Framework in that respect.

Planning Balance

13. Whilst the alterations would provide some improvements to the internal layout and accommodation available for occupiers of the property, including an additional bedroom and additional amenity space, these private benefits do not lead me to determine the appeal otherwise than in accordance with the development plan.

Conclusion

14. I have found that the appeal proposal would not preserve or enhance the character and appearance of the Vauxhall Conservation Area, and it would also harm the living conditions of adjacent residents at 41 South Lambeth Road. As such it is contrary to the development plan read as a whole. The material considerations in this case do not indicate that the decision should be taken otherwise than in accordance with the development plan. The appeal is therefore dismissed.

L Francis

INSPECTOR