



Appeal Decision

Site visit made on 9 November 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2023

Appeal Ref: APP/N5660/W/23/3320846

39 Flat B, Kay Road, Lambeth, London SW9 9DF

- 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 Julian Bongo against the decision of London Borough of Lambeth.
 - The application Ref 23/00256/FUL, dated 25 January 2023, was refused by notice dated 22 March 2023.
 - The development proposed is Proposed loft conversion and extension to external landing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has referred to the Lambeth Building Alterations and Extensions SPD (2015) in its delegated report. This has now been replaced with the Lambeth Design Guide, Part 4 – Building Alterations, Extensions and Retrofit Supplementary Planning Document (adopted 2023) (the SPD). In relation to dormer extensions, the advice of both documents are very similar. Consequently, I consider no party would be prejudiced through reference to the updated document.

Main Issues

3. The main issues are the effect of the development on a) the character and appearance of the host property and surrounding area; and b) the living conditions of neighbouring residents with regards to privacy and noise.

Reasons

Character and Appearance

4. 39 Kay Road is a two-storey, mid-terrace building that has previously been sub-divided into two flats. The appeal site relates to the first floor flat, situated in a mid-row terrace building. The host building and wider terrace are attractive period dwellings with consistent design features, providing a distinct, pleasant, and traditional feel.
5. In order to convert the loft, a rear, flat roof, dormer is proposed. The proposed dormer would be almost full width and near level to the ridge of the existing roof. It would therefore occupy nearly all the rear roof slope, fundamentally altering its shape and resulting in a bulky, dominant addition that would detract from the simple, pleasant, character and appearance of the host property.

6. Whilst the proposed dormer may ordinarily be permitted development if the appeal property was not a flat, it remains that planning permission is required. Furthermore, the proposal neither respects the character and appearance of the existing property, nor adheres to the detailed guidance established in the Council's SPD. This seeks for dormers to be subordinate elements, including set in from the sides with the roof remaining dominant.
7. Although localised in their extent, views of the rear of the property are also available from a small section of Kay Road. The proposal would therefore be visible from public vantage points, while it would also be clearly visible from several neighbouring properties and their gardens. As such, there would also be consequent harm to the wider character and appearance of the area.
8. There are other rear dormers in the vicinity of the site, that vary in their precise scale and appearance, including some which are of a similar bulky form as the appeal scheme. As such, I appreciate that the proposed development would not be an entirely alien addition to the area. However, I do not know the background context to these other dormer developments, including whether planning permission was required or granted. Additionally, the fact that apparently similar dormers may have been permitted is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
9. Overall, I find that the proposed development would be contrary to Policies Q5 and Q11 of the Lambeth Local Plan 2020 – 2035 (adopted 2021) (the Local Plan). These policies together, amongst other matters, seek for development to sustain and reinforce local distinctiveness, including ensuring that dormers are appropriately sited and subordinate to the host building. Likewise, it would be contrary to the detailed design guidance established within the SPD.

Living Conditions

10. The appeal property is served by an external staircase to its rear that provides access from the kitchen to the rear garden below. The existing staircase has a rather small landing, whereas the proposed development would introduce an enlarged landing area as part of the external staircase.
11. From the existing external staircase landing, clear, elevated views over a significant portion of the rear gardens of adjacent properties are available. However, due to the diminutive size of the existing landing space, and its position as a throughfare from the property to the garden area below, it is unlikely to be used for any significant periods as an outdoor amenity space. Instead, the existing landing appears to have a more transitional purpose.
12. In contrast, the proposed landing area would be of sufficient scale to enable it to be used more akin to a balcony, including through the potential provision of a small area of seating. This could give rise to an increase in use of the space. Together I find that the scale, elevated nature, and close relationship of the proposed landing area to neighbouring properties could lead to a more intrusive, prolonged, and dominating level of overlooking. This would result in a harmful loss of privacy to neighbouring properties.
13. Turning to noise, I am not convinced that the increased use of the landing area would necessarily lead to prolonged or harmful levels of noise disturbance to

neighbouring residents. This is because the activities that could take place on the landing (and associated noise) would also be capable of taking place in other areas of the appeal site, nearer to boundaries or windows/doors serving neighbouring properties. Nonetheless, my concerns in respect of the privacy of neighbouring occupiers remain.

14. I recognise that the appellant has a young family and that the increase in size of the landing area may enhance the safety of the external staircase. However, this does not overcome my above concerns.
15. In conclusion, I consider that the proposed external landing area would result in detrimental impacts upon the living conditions of neighbouring residents in terms of overlooking and loss of privacy. Therefore, the proposed development does not accord with Policy Q2 of the Local Plan, which seeks for developments to safeguard amenity standards including in respect of privacy.

Other Matters

16. Planning permission (ref: 18/04373/FUL) has previously been permitted for the erection of a rear dormer at the property. I have limited details of that permission. Nonetheless, I understand that the approved design was of a smaller scale with the dormer being set within the roof space, appearing as a more subordinate addition. As such, it is not directly comparable to the scheme before me.

Conclusion

17. For the reasons outlined above, having regard to the development plan and all other material considerations, the appeal is dismissed.

Lewis Condé

INSPECTOR