



Appeal Decision

Site visit made on 11 December 2023

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2024

Appeal Ref: APP/N5660/W/23/3322098

Flat 2, 31 Saltoun Road, Lambeth, London SW2 1EN

- 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 Ben Robinson against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 23/00536/FUL, dated 20 February 2023, was refused by notice dated 17 April 2023.
 - The development proposed is erection of a first floor rear roof terrace.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a first floor rear roof terrace at Flat 2, 31 Saltoun Road, Lambeth, London SW2 1EN in accordance with the terms of the application, Ref 23/00536/FUL, dated 20 February 2023, subject to the following conditions:
 - 1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
 - 2) The development shall be carried out in accordance with the following approved plans:
 - Location Plan
 - Existing rear elevation, Proposed rear elevations and Section AA – rev 'A1'
 - Proposed Plan – rev 'A1'
 - 3) Unless explicitly required by any other condition of this approval, all new external work, finishes and work of making good shall match the materials, colour, texture, profile and finished appearance of those used on the existing building.
 - 4) The balustrade hereby approved shall be obscurely glazed and shall be installed in accordance with the details shown on the approved plans prior to the roof terrace hereby approved being first brought into use. The obscurely glazed balustrade shall be retained as such thereafter.

Preliminary Matters

2. In the interests of clarity, I have slightly amended the address in the banner heading and my formal decision in comparison to that provided on the planning application form.

3. Subsequent to the Council issuing its decision the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. The amendments to the Framework do not affect the matters that are in dispute in the determination of this appeal.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, including the appeal property; and
 - the living conditions of the occupiers of neighbouring properties with regard to outlook, noise and disturbance.

Reasons

Character and appearance

5. 31 Saltoun Road is a three-storey mid terrace property which has been subdivided into flats. The appeal relates to Flat 2 which is on the first floor. Flat roofed, three storey outriggers are an original part of the terrace and No. 31 shares this feature with No. 33.
6. Attached to the rear of the outrigger is a flat roof single storey extension which serves the ground floor flat. A number of other properties within this terrace row have single storey extensions of varying depths, sizes and design. A number of outriggers have differently designed windows in the rear elevation, including bay windows and modern style window openings that are of a different design to the original window proportions.
7. Furthermore, there are also examples of roof terraces above the second floor of some outriggers in this row, with the appeal site itself being granted consent for a roof terrace atop of the outrigger. Overall, these various alterations and differences creates a somewhat irregular pattern to the rear of the properties in this row.
8. The appeal proposal seeks to create a first-floor roof terrace, to be used by the occupiers of the first-floor flat, above the existing single-storey flat roofed rear extension. The proposed roof terrace would be enclosed by a 1.7m high obscurely glazed screen and would be accessed via a new single door that would replace an existing window in the first-floor rear elevation of the outrigger.
9. The Council's Building Alterations & Extensions Supplementary Planning Document (2015) (SPD), states that balconies are not a characteristic feature of Lambeth's pre-Second World War building stock, and these features have the potential to significantly alter the architectural composition and appearance of the host building or its group. The SPD goes on to state that as a general design rule balconies should be limited to rear elevations, and glazed balustrades should have an obscured or fritted treatment to protect amenity.
10. Whilst acknowledging that first floor roof terraces are not a feature of this row of properties, there are existing and approved roof terraces above second floor level in this row, including the appeal site. In addition, being located to the rear of the property and having an obscurely glazed balustrade, the prevailing

character and appearance of the appeal property or the surrounding area would not be harmed by the development.

11. The proposed balustrade would be set inside the parapet walls on either side of the roof of the existing ground floor extension and would be set back from the rear of this existing extension. As such the position of the balustrade relative to the edges of the extension would reduce its visual impact.
12. Furthermore, whilst the proposal would be visible from windows and outdoor areas situated to the rear of a number of nearby properties, it would not be visible from public vantage points such as public highways. I am therefore satisfied that the proposal would not result in an overly dominant, uncharacteristic and incongruous development. The proposal would represent a subservient addition and it would not unduly add visual clutter to the rear of the property, and therefore would not detract from the character and appearance of the host property or surrounding area.
13. As such, I find no conflict with the Council's SPD and Policies Q2, Q5, Q8 and Q11 of the Lambeth Local Plan 2020 - 2035 (2021) (LP), insofar as they together seek to ensure, amongst other things, that the visual amenity from adjoining sites and the public realm is not unacceptably compromised; that poorly-detailed built forms will be resisted; that local distinctiveness is sustained and reinforced; and developments have a design which positively respond to its surroundings.

Living conditions of the neighbouring occupiers

14. With regard to noise and disturbance, whilst the proposed balustrade may screen some noise, it would not fully mitigate this impact. Nevertheless, the terrace is limited in size and consequently it is reasonable to conclude that its use would not give rise to significant levels of noise and disturbance. Furthermore, noise and disturbance issues can currently arise in this area from the use of ground floor rear garden areas in the vicinity, or from roof terraces above second floor level.
15. With regard to the outlook currently enjoyed from the windows in the rear elevations of the ground floor flats at numbers 31 and 33 Saltoun Road. The outlook from these windows is already impacted by the existing single storey rear extension at the appeal site which extends further than the proposed terrace and balustrade, as well as being impacted by the four storey properties to the rear on Rushcroft Road.
16. Additionally, the proposed balustrade will be set slightly in from the side of the roof of the existing ground floor extension and being obscurely glazed would not result in the same sense of enclosure as a solid wall or fence would provide. As such the development would not result in a harmful impact upon the outlook enjoyed from the windows situated in the rear elevations of the ground floor properties at 31 and 33 Saltoun Road.
17. Furthermore, as a result of the materials used for the balustrade, the separation distance and its size, the proposed balustrade would not have a harmful impact upon the outlook from the first-floor window in the rear elevation of 33 Saltoun Road.
18. In view of the above, I conclude on this issue that the proposed development would not result in an unacceptable harmful impact upon the living conditions

of the occupiers of neighbouring properties with regard to outlook, noise and disturbance. The proposal therefore complies with LP Policy Q2 and the guidance contained within the SPD which seek, amongst other things, to ensure that developments provide acceptable standards of amenity including levels of outlook and noise.

Other Matters

19. The appeal site is not located within a conservation area, however the boundary of the Brixton Conservation Area (the CA) is situated directly to the rear of the appeal site, where its boundary adjoins the rear boundaries of the properties fronting onto Rushcroft Road.
20. The significance of the CA largely derives from its busy Victorian town centre, characterised by a mix of 19th and early 20th century commercial, public and domestic buildings. During the site visit I observed the traditional but varied design and appearance of the buildings which contribute to the diverse character, appearance and significance of this vibrant CA.
21. The appeal site makes a very limited contribution to the setting of the CA, as it is screened from the town centre by the four-storey properties on Rushcroft Road. As such the appeal proposal would have a very limited affect upon the significance of the heritage asset as a whole, and would not harm the setting of the CA.
22. Interested parties have raised concerns relating to loss of privacy through overlooking. Given the back-to-back terrace character of this residential area, there is currently an element of overlooking between dwellings, predominantly from higher level windows into neighbouring gardens.
23. Furthermore, the slight set-back of the proposed terrace in from the sides, and the more significant set-back from the rear, of the ground floor extension reduces the potential for overlooking towards neighbouring properties. The provision of a 1.7m high obscurely glazed balustrade around the terrace would also ensure that there would be limited opportunities for overlooking.
24. Interested parties have also commented that the proposed development, including the ability to have plants on the proposed terrace, would block light to neighbouring properties. Given the orientation of the proposed development in relation to the adjoining neighbour, its modest size and the materials proposed, the proposal would not result in any significant levels of overshadowing or loss of light.
25. An interested party also considers that the proposal would block the green corridor that runs to the rear of Saltoun Road. There is no substantive evidence to demonstrate that the proposed first floor roof terrace and balustrade would significantly impact upon wildlife movements at the rear of the property.
26. In respect of setting a precedent for similar developments within this terrace, there is no substantive evidence before me that there is a reasonable prospect of similar development being repeated or that any cumulative effect would be harmful. Furthermore, each application must be judged on its own merits.

Conditions

27. The Council has provided a list of suggested planning conditions, some of which I have edited for clarity and enforceability.
28. In addition to the standard time limit condition, I have attached a condition specifying the approved plans to provide certainty, as well as a condition which requires the external works to be carried out using materials that match those used on the existing building, in order to safeguard the character and appearance of the area. A condition requiring the proposed balustrade to be obscurely glazed has been attached. This condition is required to protect the living conditions of neighbouring occupiers.

Conclusion

29. For the reasons given above, and having regard to all matters raised, the proposed development would accord with the development plan when taken as a whole and there are no material considerations that indicate it should be determined other than in accordance with it. I therefore conclude that the appeal should be allowed.

R Major

INSPECTOR