



Appeal Decision

Site visit made on 22 January 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th February 2024

Appeal Ref: APP/N5660/W/23/3325350

161A Abbeville Road, Lambeth, England SW4 9JJ

- 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 Vinay Das against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 22/04532/FUL, dated 16 February 2023, was refused by notice dated 13 April 2023.
 - The development proposed is erection of single storey ground floor rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form is 'erection of single storey rear extension and a replacement first floor rear conservatory with a flat roof'. During the course of the application the decision was made to remove the replacement first floor element thus retaining the existing first floor conservatory. This tallies with the submitted plans and was the basis on which the Council reached its decision. The description of the development proposed in the banner heading is taken from the Council's decision notice and appeal form rather than the application form as it more accurately describes the proposal. I have proceeded on this basis.

Main Issues

3. The main issues are the effects of the proposal on:
 - the living conditions of residents of 161 and 163 Abbeville Road with regard to privacy, outlook and natural light; and
 - the character and appearance of the character and appearance of the host building and terrace.

Reasons

Living Conditions

4. The ground floor flat of no. 161 has what appears to be a glazed door close to the common boundary with the appeal property, which the submitted evidence identifies as serving a bedroom. Based on the submitted plans and my site visit observations, this is the only rear opening at ground floor level and so the proposal would not result in the loss of any windows serving this room. The

room also has a number of rooflights. A fence and vegetation are located along the boundary of nos. 161 and 161A.

5. The proposed development would be close to this door of no. 161. Although the proposed extension would be single storey and with a flat roof, it would nevertheless project above the boundary features along the common boundary where it would appear as a solid feature. On the other side of no. 161 is the rear projection of 159 Abbeville Road which is also located close to this door. The combination of the height of the proposed extension, its length, and proximity to the boundary, in conjunction with the rear projection of no. 159, would create a tunnelling effect for this door. This would restrict outlook and would likely reduce the amount of daylight reaching it. The proposal would therefore make the room gloomier and markedly increase the sense of enclosure, notwithstanding the presence of the roof lights. This would significantly detract from its use and enjoyment.
6. The proposed extension would be located to the north east of the rear of the property at no. 161. It would therefore be unlikely to result in any significant overshadowing. Nonetheless, this does not mitigate the likely loss of daylight.
7. No windows are proposed in the elevation facing the dwelling at no. 161 and the stairs which currently give access to the rear of no. 161A would be re-positioned further from the boundary with this property. These factors together with the existing boundary features means that there would not be a loss of privacy for residents of no. 161.
8. As part of the proposal, the stairs would be replaced with a set located adjacent to the boundary with the dwelling at 163 Abbeville Road. Consequently, there would be a change to the current situation, as the stairs would be closer to no. 163 and would be ascended at a different angle. This would combine to give a much more open view of this property's ground and first floor windows, notwithstanding that the landing would be at the same height and location as currently. I appreciate that in urban areas such as this there will likely be some degree of mutual overlooking. Nevertheless, the use of the stairs in such close proximity to the rear ground and first floor windows of no. 163, and with direct views, would not maintain acceptable standards of privacy for residents of this property due to the extent of actual and perceived overlooking that would result.
9. I agree with the Council that it is not particularly clear from the submitted plans what the intention would be regarding any screening for the stairs. Very limited information has been submitted through the appeal process to clarify the position.
10. The Council's officer report describes the screen along the stairs as around 1.8 metres in height, which is reflected in the Council's fourth reason for refusal. If this is what is proposed, such a tall screen on the common boundary would be an oppressive feature for residents of no. 163 even if obscure glazing was used.
11. The Council's appeal statement identifies that the plans have been reviewed and it appears that the boundary screen along the stairs may only be to a height of around 1.1 metres. This would not be of a sufficient height to adequately mitigate the loss of privacy that would result from the location of the stairs.

12. The proposed development would lie to the south west of the rear elevation of no. 163. Consequently, there would likely be some additional overshadowing of this property in the afternoon. The Council contends that due to the depth and height of the proposed extension, it would fail to comply with the 45-degree criteria for assessing loss of daylight when applied to the crittall doors on the ground floor of no. 163. No evidence has been submitted by the appellant to dispute this. Details of the Council's calculations are not before me. Nevertheless, in my judgement and in the absence of any compelling evidence to the contrary, such as a daylight and sunlight assessment, the proposal would have an unacceptable impact on levels of natural light to this adjoining property. This is due to the height of the proposed extension, which would protrude above the fence along the boundary between nos. 161A and 163, together with its depth and proximity.
13. I appreciate that the crittall doors extend across most of the width of no. 163 and so a relatively open outlook would be maintained. However, the maintenance of outlook does not necessarily equate to the maintenance of acceptable levels of natural light. In my view, they are different considerations and while the proposed extension would not harm outlook, it does not follow that the effect on levels of natural light would be equally acceptable.
14. Bringing these points together, I find that the proposal would not harm the living conditions of residents of 161 Abbeville Road with regard to privacy but would have an unacceptable effect with regard to outlook and natural light. The proposal would not harm the living conditions of residents of 163 Abbeville Road with regard to outlook but would have an unacceptable effect with regard to natural light and privacy. As such, the proposal would conflict with the residential amenity requirements of Policy Q2 of the 2021 adopted Lambeth Local Plan (the LP).

Character and Appearance

15. While there are some variations in design between the properties on Abbeville Road, the regular fenestration and consistent width, height and set back from the road gives a uniformity to the street scene when viewed from the front. However, the rear of the terrace in the vicinity of no. 161A is more varied, with extensions of varying heights and depths apparent.
16. To the rear, the host building has three storeys by virtue of a mansard roof extension. There is a two-storey rear return and single-storey rear extension with a first-floor conservatory and infill. At the rear, the host building therefore presents as a substantial size. There is also a good-sized rear garden.
17. In this context, the proposed extension would not appear as a dominant feature. The form of the proposed extension would not be dissimilar to other rear extensions apparent in the area. The use of matching brickwork would respond positively to the host building. The proposal would therefore be subordinate to the host building and would not represent an incongruous addition.
18. Consequently, I conclude that the proposal would not harm the character and appearance of the host building or terrace. It would therefore accord with the design objectives of Policies Q5, Q8 and Q11 of the LP and the guidance in the 2015 Building Alterations and Extensions Supplementary Planning Document, where they seek to sustain and reinforce local distinctiveness; secure high-

quality design; and require subordinate extensions of a design that positively responds to the host building, amongst other matters.

Conclusion

19. I have found that the proposal would not harm the character and appearance of the area. However, there would be harm to the living conditions of neighbouring residents. This is a matter of overriding concern and to this extent there would be conflict with the development plan when considered as a whole. Therefore, the appeal should be dismissed.

F Wilkinson

INSPECTOR