



Appeal Decision

Site visit made on 14 February 2024

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01.03.2024

Appeal Ref: APP/N5660/W/23/3326590

27 Pulross Road, Lambeth, London SW9 8AF

- 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 Charlie Harrison against the decision of The London Borough of Lambeth Council.
 - The application Ref 23/00834/FUL, dated 8 March 2023, was refused by notice dated 10 May 2023.
 - The development proposed is the formation of a roof terrace and balustrade above the existing rear outrigger.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Subsequent to the Council's decision on the application to which this appeal relates, the Government published the revised National Planning Policy Framework (the Framework) on 19 December 2023. I consider that there have been no major changes relevant to the main issue in this appeal. It will therefore not prejudice any party by making my decision with regard to the revised Framework.
3. Subsequent to the Council's decision, the Council adopted new design guidance, in the form of a Supplementary Planning Document, the Lambeth Design Guide (2023) (the LDG), which replaces the Lambeth building Alterations and Extensions Supplementary Planning Document (2015). In their submissions both main parties to this appeal have made submissions referencing the adopted and current guidance. Neither party have indicated that it would prejudice their respective cases by making my decision with regard to the design advice set out in the LDG.

Main Issue

4. The main issues are the effect of the proposal on:
 - The character and appearance of the appeal dwelling and that of the terrace of which it forms part; and
 - The living conditions of neighbouring residential occupiers.

Reasons

Character and Appearance

5. The appeal property is a two storey mid terrace house with a mansard extension. This has been converted to provide two flats. The appeal relates to a roof terrace with balustrade to the upper flat. This would sit above an existing flat roofed rear outrigger, which is currently accessed from a door off a staircase landing between the first and mansard floors. Whilst it would appear from my site visit that this roof has been used as a terrace at some point in the past, it did not appear to be currently used for that purpose.
6. The proposal is to formalise the use of part of the flat roof of the outrigger as a roof terrace, this would be set in from the roof edges to its rear and open side, and would be enclosed by a 1.7 metre tall obscured glazed balustrade. The existing party wall upstand between the outriggers at the appeal property and that of the neighbouring property at 26 Pulross Road (No.26) would enclose the terrace on its non-open side.
7. The proposal would be set substantially in from the open roof edges of the existing flat roof and would be relatively modest in scale in relation to the appeal property. However, although open to the sky, when viewed above the railway lines from Bythron Street and more immediately from neighbouring rear gardens and from the rear of the houses located nearest to the open side of the existing flat roof, the proposal would have the appearance of an obscured glazed glass box.
8. This fully obscured glazed appearance and box like massing would result in it appearing incongruous in relation to the traditional design of the appeal property and the terrace of which it forms part. This would not accord with the design advice given in the LDG, which seeks to ensure that such proposals integrate well with the host building and that incongruous proposals will be resisted.

Living Conditions

9. The proposal would form the only exterior amenity space for the appeal dwelling, as the garden to the property is for sole use of the occupants of the ground floor flat in the appeal property. The doorway access to the proposed terrace leads from the existing stairway landing, which opens directly onto the main open plan kitchen and living space at first floor level. As such, I find that it is reasonable to assume that the use of the proposed terrace would be as an extension of this use, rather than that of the second floor bedrooms.
10. Given the proximity of the proposed terrace to the first floor rear bedrooms of the dwellings on either side of the appeal property, the use of the terrace, even when in ordinary domestic use, would, notwithstanding the noise from the railway to the rear of the appeal property's garden, lead to disturbance to the occupiers of these dwellings. This would be particularly from noise nuisances associated with the proposed terrace being used as an extension of the existing kitchen, dining and living space at the appeal dwelling.
11. The obscured balustrade of the proposed terrace would not allow for views into the rear rooms and gardens that are currently allowed by the open sides of the

existing flat roof. However, from my site visit, it was evident that the existing party wall upstand, approximately 1.43 metres in height, that sits between the outriggers at the appeal property and the neighbouring properties at No.26, would allow for views directly into the rear first floor bedroom of 25 and 26 Pulross Road. This would result in a substantial loss of privacy for the occupiers of these neighbouring dwellings that would be experienced as intrusive and oppressive.

12. The appellant has brought a number of planning applications and appeals for roof terraces in the area to my attention, including those that have been constructed. However, only limited design information has been provided. These applications and appeals would have been decided on their own individual merits in relation to their particular circumstances, and I have done likewise in my consideration of the proposal. I have, therefore, only accorded these limited weight in making my decision.
13. The appellant has suggested that a condition could be applied to an approval requiring an obscured glazed screen to be installed on top of the existing brick upstand between the appeal property and No.26. Whilst this would result in the privacy of occupiers of No.25 and No.26 being protected from intrusive views, it would not overcome the harm to living conditions of neighbours that would result from disturbance from noise nuisance. Further, this suggested glazed upstand would result in a more substantial obscured glazed box appearance and an increased incongruous effect. As such this suggested condition would not comply with the requirements for conditions set out in Paragraph 56 of the Framework.
14. For the reasons given above, I find that the proposal would result in moderate harm to the character and appearance of the appeal property and the terrace of which it forms part and substantial harm to the living conditions of neighbouring residential occupiers. This would not comply with the design advice set out in the LDG, Policies Q2, Q5, Q8 and Q11 of the Lambeth Local Plan (2021), Policy D3 of the London Plan (2021) and sections Paragraph 135 of the Framework. These collectively seek development that is of high design quality, visually attractive, does not compromise visual amenity from adjoining sites and the public realm and that acceptable levels of privacy are provided with acceptable levels of noise impact on neighbouring occupiers.

Conclusion

15. Whilst the proposed roof terrace would provide for external amenity space for the occupiers of the appeal dwelling this is not a substantial public benefit. In general, planning decisions should be made in the wider public interest. In this context, the moderate harm I have identified to the character and appearance of the appeal dwelling and the terrace of which it forms part and the substantial harm I have identified to the living conditions of neighbouring residential occupiers outweighs these benefits. Dismissing the appeal is a proportionate response in this instance.

Victor Callister

INSPECTOR