



Appeal Decision

Site visit made on 25 March 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2024

Appeal Ref: APP/N5660/W/23/3329962

80 Flat 1, Ferndale Road, Lambeth, London SW4 7SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Antonio Besilio against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 23/01749/FUL.
 - The development proposed is single storey side/rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council adopted the Lambeth Design Guide Part 4: Building Alterations, Extensions and Retrofit (August 2023) (Design Guide) after the planning application was determined. The Design Guide superseded the Building Alterations and Extensions Supplementary Planning Document. The parties have been able to comment on the implications of the Design Guide for the appeal scheme as part of the appeal process. I have had regard to the Design Guide in my consideration of the appeal.

Main Issues

3. The main issues are:
 - (a) the effect of the development on the character and appearance of the host property and local area, with particular regard to the Ferndale Road Conservation Area (CA);
 - (b) the effect of the proposal on the living conditions of the occupants of 78 Ferndale Road and 82 Ferndale Road, with particular regard to privacy, daylight and sunlight, and to the occupants of the upper floors of 80 Ferndale Road, with particular regard to security; and,
 - (c) whether the proposed development would provide an adequate standard of accommodation for future occupants, with particular regard to privacy.

Reasons

- (a) *Character and appearance*
4. The appeal site is a non-designated heritage asset (NDHA) that lies within the Ferndale Road CA, which covers the western end of Ferndale Road. The

significance of the CA lies partly in the collection of 19th Century terraced housing erected by George Jennings using his own range of bricks and terracotta products. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a CA.

5. The appeal property shares many of the characteristics that are important within the CA, including its front building line, external materials, and terracotta detailing. These elements contribute to the formality of the street scene in views along Ferndale Road. To its rear, the appeal property has a two-storey mono-pitched rear return and decorative lintels, which are characteristic of traditional rear elevations in this part of the CA. There is also a modest single-storey rear extension which, from my observations, is subordinate to the host property and does not detract from its character and appearance.
6. On my site visit, I observed that some wooden structures have been erected to wrap-around the rear return and existing end extension. The wooden structures have poor architectural value and have a diminishing effect on the character and appearance of the host property and local area. However, the rear return remains a prominent feature of the host building, and the wooden structures do not detract from the heritage value of the upper floor lintels. Consequently, the appeal property, including its rear elevation, contributes positively to the significance of the CA.
7. Policy Q11 of the Lambeth Local Plan 2020-2035 Adopted September 2021 (LP) provides in principle support for building extensions, including in CAs, subject to specific design criteria. Amongst other things, Policy Q11(E) expects infill extensions to have a glazed, light-weight appearance to differentiate them from the rear return; and to be set back from the end of the main return on heritage buildings. Further guidance is provided in the Design Guide which, amongst other things, states that an infill and end extension may be acceptable on some NDHAs and buildings in CAs so long as they are both set back from the corner of the original return.
8. The proposed development would replace the existing single storey extension and wooden structures with a single-storey wrap-around extension that would extend across the full width of the appeal property. Therefore, other than a small courtyard area adjacent to the rear wall of the appeal property, the proposed extension would occupy the existing infill area and would fully enclose the end of the rear return, without a setback. Moreover, the development would be constructed with a dominance of yellow stock brick, which would be significantly bulkier in appearance than the glazed, light-weight design required by Policy Q11(E) of the LP.
9. The proposed extension would be single storey in height. However, at full-width, and projecting significantly beyond the existing rear wall, the proposed development would be disproportionate in scale when compared to the host property. Consequently, and because it would conceal the entire ground floor façade of the original rear return, the development would lack subordination and would detract from the original architectural features of the host property. Therefore, it would neither preserve nor enhance the character or appearance of the Ferndale Road CA.
10. I have had regard to the fact that, other than some fleeting views from passing trains, the development would not be unduly visible from the public realm.

However, the absence of multiple publicly accessible views does not negate the need to secure good design, which is a clear requirement of the LP and the National Planning Policy Framework (the Framework).

11. I have also considered the presence of other rear extensions and outbuildings on Ferndale Road, which I observed from the appeal site on my site visit. However, I have considered the appeal scheme with regard to the character of the area which includes existing extensions and outbuildings, as well as the adjacent railway corridor. Therefore, the presence of other developments does not alter my conclusion on this main issue.
12. The primary street frontage would be unaffected by the proposal and the harm to the significance of the CA would be less than substantial. Nevertheless, it would constitute harm, and this attracts great weight in my decision. Paragraph 208 of the Framework states that, where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
13. The proposed development would improve the quantity of internal living accommodation within an existing dwelling and, therefore, would lead to an improvement in the local housing stock. It would also replace the existing wooden structures which have limited architectural value and detract from the character and appearance of the host property and local area. These benefits carry moderate weight in support of the scheme.
14. However, based on the evidence before me, I am not persuaded that the appeal scheme is the most sensitive way to achieve these public benefits, particularly given that the LP and Design Guide provide alternative options for rear extensions to NDHAs and buildings in CAs. Therefore, the public benefits do not outweigh the great weight I attach to the harm to the significance of the CA. In my judgement, the harm that would be caused to the host property as a NDHA would also not be outweighed by the benefits of the development.
15. Taking all of the above into account, I conclude that the development would cause harm to the character and appearance of the host building and local area, with particular regard to the Ferndale Road CA. Therefore, there would be conflict with Policies Q22 and Q5 of the LP which, taken together and amongst other things, expect development to preserve or enhance the character or appearance of the CA and to respond to positive aspects of the locality and historic character. There would also be conflict with Policy Q11 of the LP insofar as it expects extensions to be subordinate to host properties and for infill extensions to have a glazed, light-weight appearance and set back from the main return on heritage buildings. Further conflict would arise with policies Q2 and Q8 of the LP insofar as they expect that visual amenity is not unacceptably compromised by proposals and resist development that is poorly-detailed.

(b) Living Conditions

16. The proposed development would extend across the full width of the appeal property and would be significantly deeper than the existing rear extension at the appeal site. However, given its single-storey height, it would be unlikely to be unduly dominant in views from either 78 or 82 Ferndale Road. Moreover, due to its height and the distance between the proposed extension and the

nearest windows on the neighbouring properties, it would be unlikely there would be any harmful loss of daylight or sunlight to the adjacent dwellings.

17. The Council has expressed concern about security to the occupants of the upper floors of the host building but has not elaborated on this concern in its appeal statement. Whilst a staircase within the boundary of No 82 would be proximate to the proposed extension, I am not persuaded this would give rise to any particular security concerns to the occupants of the host building.
18. I conclude that the proposal would not cause harm to the living conditions of the occupants of 78 Ferndale Road and 82 Ferndale Road, with particular regard to outlook, daylight and sunlight, and to the occupants of the upper floors of 80 Ferndale Road, with particular regard to security. Therefore, there would be no conflict with Policy Q2 of the LP insofar as it seeks to ensure that development provides acceptable standards of outlook and does not have unacceptable impacts on levels of daylight or sunlight on adjoining properties.

(c) *Standard of accommodation*

19. The side wall of the proposed development facing No 82 would be proximate to an existing external staircase, which provides access to the first floor of the adjacent property. Consequently, if the development were otherwise acceptable, users of the staircase would have access to views through the proposed rooflights into the bedroom within the proposed extension.
20. However, given the dimensions of the staircase and its reasonably narrow width, it is unlikely that neighbouring residents would dwell on the staircase or use it for socialising and relaxing. Therefore, any views into the bedroom would be limited to very short durations whilst entering or leaving the neighbouring property. Moreover, given the angle of the proposed roof slope, any views would be at an oblique angle and could reasonably be obscured through window coverings. It is therefore unlikely that there would be harmful overlooking into the internal living space of the proposed extension.
21. I conclude that the proposal would provide an adequate standard of accommodation for future occupiers, with particular regard to privacy. Therefore, there would be no conflict with Policy Q2 of the LP insofar as it requires acceptable standards of privacy to be provided.

Conclusion

22. Although I have found that no undue harm would arise in respect of the living conditions of the occupants of neighbouring properties, and that the development would provide an adequate standard of accommodation for future occupiers, I have found it would cause harm to the character and appearance of the host property and local area, with particular regard to the Ferndale Road CA. This is sufficient to bring the development into conflict with the development plan when read as a whole. The material considerations do not indicate that a decision should be made otherwise than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

E Catchside

INSPECTOR