



# Appeal Decision

Site visit made on 15 April 2024

by **E Catcheside BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 2<sup>nd</sup> May 2024**

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**Appeal Ref: APP/N5660/W/23/3327633**

**70 First Floor Flat, Danbrook Road, Lambeth, London SW16 5JX**

- 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 Rajeshkumar Valand against the decision of the Council of the London Borough of Lambeth.
  - The application Ref is 23/00376/FUL.
  - The development proposed is erection of a rear external staircase. Replacement of existing first floor window with uPVC door to access staircase.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The Council has stated that the sub-division of the appeal site garden and the erection of structures including fences do not have planning permission. I note that the submitted plans indicate that the existing garden is subdivided. However, on my site visit, I observed a single garden space at the appeal site, which was not subdivided by physical structures. Moreover, no alterations to the garden arrangement are proposed as part of the appeal scheme. It is not for me, as part of this Section 78 appeal, to draw conclusions on the lawful arrangement of the existing garden. I have considered the appeal based on the proposed development as shown on the submitted plans.

## Main Issues

3. The main issues are:
  - the effect of the development on the character and appearance of the host building and area, and
  - the effect of the proposal on the living conditions of the occupants of 70A Danbrook Road, with particular regard to privacy, outlook, daylight and sunlight.

## Reasons

### *Character and appearance*

4. The host building is a mid-terraced property that has been subdivided into flats. There is a rear garden that is accessed via the ground floor flat. The appeal property is on the first floor and does not have direct access to the garden.

5. The proposed development would provide direct access to the garden from the first floor and, other than the replacement of a window with a door, it would not result in any significant alterations to the fabric of the host building.
6. However, the proposed staircase would project over a large part of the existing garden and, given its depth and height, it would be a substantial structure that would be disproportionate in scale when compared to the modest size of the garden. Moreover, although the staircase would be a linear structure with hollow sections, the proposed design and materials would have a utilitarian appearance that is uncharacteristic to the locality. Consequently, the proposed development would be an incongruous feature that would fail to integrate sympathetically with the host property and surrounding area.
7. The proposed development would not be visible from the public realm. However, given its height, depth, siting, and materials, it would be unduly prominent in views from neighbouring properties and gardens. Furthermore, the absence of public views does not negate the need to secure good design that is sympathetic to local character, as is a clear requirement of the Lambeth Local Plan 2020-2035 Adopted September 2021 (LP) and the Framework.
8. On my site visit, I observed a mix of garden furniture and outbuildings in the local area, as well as some extensions to nearby properties. However, from my observations, other nearby developments and garden paraphernalia are typical of the residential context and do not directly compare to the appeal scheme by way of their siting, materials, and appearance. Moreover, although the proposed staircase would be durable and low maintenance, this would not reduce the harm that would be caused to the character and appearance of the host property and the local area through its design and appearance.
9. I conclude that the proposed development would cause harm to the character and appearance of the area. Accordingly, there would be conflict with Policies Q5, Q8 and Q11 of the LP which, taken together and amongst other things, expect development to respond positively to the original architecture of the host property and the character of the locality, and to be visually attractive.

#### *Living conditions*

10. The proposed staircase would provide access to the garden area immediately outside the rear bedroom window of 70A Danbrook Road. Therefore, it would enable the occupants of the appeal property to gain direct views at very close proximity into the bedroom of the ground floor flat from the proposed staircase and the garden. Moreover, there would be unobstructed visibility into the garden of No 70A. Consequently, the privacy of the occupants of No 70A would be unacceptably compromised by the appeal scheme.
11. Moreover, although the proposed development would be offset from the rear bedroom window of No 70A, it would be very close to it. Consequently, and given its siting, height, appearance and depth, the proposed development would be an imposing structure that would dominate views from the ground floor rear bedroom window.
12. I have had regard to the position of an existing shed, which partially compromises the outlook from the ground floor rear window. However, there is no substantive evidence before me to suggest that the position of the shed is fixed and could not be moved without the appeal scheme. Therefore, the

position of the existing shed does not justify the harm to outlook that would be caused by the appeal scheme.

13. The Council has expressed concerns about the effect of the development on the amount of daylight and sunlight within the ground floor flat. However, the proposed staircase would be offset from the rear bedroom windows of No 70A and, therefore, it is unlikely there would be any harmful effects arising through loss of daylight. Moreover, the proposed staircase would have open, hollow sections and conditions could secure a similar design for the proposed platform. This would enable sunlight to penetrate the proposed development, ensuring that no undue harm would be caused to the levels of sunlight within No 70A.
14. Although I have found that no undue harm would arise through loss of daylight and sunlight, I conclude that the proposed development would cause harm to the living conditions of the occupants of 70A Danbrook Road, with particular regard to privacy and outlook. Therefore, there would be conflict with Policy Q2 of the LP insofar as it expects development to provide acceptable levels of privacy and adequate outlooks.

### **Other Matters**

15. The proposed development would improve the living conditions of current and future occupants of the appeal property by providing access to outdoor amenity space. This is a benefit that carries moderate weight in favour of the proposal. However, it would not be sufficient to outweigh the significant weight I attach to the harms I have identified above.
16. The host building and local area are not designated heritage assets. However, the absence of statutory designations does not obviate the need to ensure that proposed developments are appropriate to the locality.

### **Conclusion**

17. Whilst the proposed development would not cause undue harm to the living conditions of the occupants of No 70A through loss of daylight and sunlight, it would cause harm through loss of privacy and outlook. There would also be harm caused to the character and appearance of the host property and the area.
18. The proposal conflicts with the development plan when read as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with the development plan. Therefore, for the reasons given above I conclude the appeal should be dismissed.

*E Catchside*

INSPECTOR