



Appeal Decision

Site visit made on 20 May 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2024

Appeal Ref: APP/N5660/W/24/3338944

Flat 2, 125 Bedford Road, Lambeth, London SW4 7RA

- 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 Elyse Zaccai and Jon Clanton against the decision of the Council of the London Borough of Lambeth.
 - The application reference is 23/03386/FUL.
 - The development proposed is adjustment to rear elevation as a consequence of installing a new and building regs approved internal staircase to the first floor flat, proposing the installation of a new rear door allowing Flat 2 access to the garden and internal reconfiguration.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on the character and appearance of the host building and its significance along with no. 123 as non-designated heritage assets, and the living conditions of neighbouring residents with regard to privacy.

Reasons

Character and Appearance

3. The appeal building comprises one half of a pair of locally listed semi-detached dwellings along with no. 123. From the submitted evidence and my site visit observations, the significance of the locally listed buildings is derived in part from their age as early to mid-nineteenth century buildings and associated architectural detailing, and their pleasing broadly symmetrical appearance.
4. Policy Q23 of the 2021 adopted Lambeth Local Plan 2020-2035 (the Local Plan) sets out an expectation that non-designated heritage assets will be retained, preserved, protected, safeguarded and, where desirable, enhanced when proposals that affect them are being developed.
5. The proposed staircase would be relatively small compared to the size of the back of the building. However, as neither nos. 123 nor 125 have a rear extension, there is a flat elevation to the rear. The 2023 Lambeth Design Guide advises that many early to mid-nineteenth century buildings originally had flat rear elevations, and where these survive unaltered on heritage assets or buildings in conservation areas, they are generally considered worthy of protection. The staircase would set the appeal building apart from its pair which it would be visually read with.

6. The introduction of a door at this mid-level would appear at odds with the general rhythm and hierarchy of the rear openings. It would disrupt the pleasantly well-proportioned rear elevation and so would adversely change the appearance of the rear of the building.
7. The uniformity of the rear elevation of the pair of semi-detached dwellings has been disrupted to an extent by the different heights of the side extensions, the window at first floor level in the side extension of no. 125 which is absent from no. 123, and the gap between no. 123 and the neighbouring property which is not present to the side of no. 125. Nonetheless, the balance and symmetry of the pair of dwellings, which contributes greatly to their overall character, is still clearly discernible.
8. Overall, the combined effect of the staircase and door at this mid-level height would introduce an incongruous addition to the building that would further disrupt the symmetry of this pair of semi-detached dwellings.
9. As the proposal would affect only the rear of the property, it would be largely unnoticed in the majority of public views and the effect on the townscape would not be as apparent as a change to the front of the building. However, the proposal would be visible from the rear windows of the surrounding properties. Furthermore, the significance of the locally listed buildings does not rely only on the elements that can readily be seen.
10. Visually, the effect of the proposal on the wider character of the area would be limited. The changes to the host building would be moderate in terms of their scale. However, they would result in harm to key features that contribute to the significance of the host building and the semi-detached pair that it is part of along with no. 123. I therefore conclude that the proposal would harm the character and appearance of the host building and its significance along with no. 123 as non-designated heritage assets.
11. Consequently, the proposal would conflict with Policy Q23 of the Local Plan as summarised above. It would also conflict with Policies Q5, Q8 and Q11 of the Local Plan. These policies require development to sustain and reinforce local distinctiveness and positively respond to the host building and other locally distinct forms (such as group characteristics); and seek to ensure visually attractive designs, amongst other matters.

Living Conditions

12. No. 125 and those adjacent to it have relatively long rear gardens. The rear gardens of the adjacent dwellings and that of Flat 1, which occupies the lower ground and ground floors of no. 125, are already overlooked by the upper floor windows of several properties.
13. The staircase would be located near to that part of the rear garden used by residents of Flat 1. Users of the staircase would have views of the garden particularly when going down. However, as I observed during my site visit, this would not be significantly different to the views which are experienced from the existing first floor windows in the rear elevation which serve the internal stairs and kitchen of Flat 2. In addition, there is already a door in the rear elevation at ground floor level which is used by residents of Flat 2 to gain access to their area of garden. Furthermore, in my judgement, use of the staircase would be occasional and transitory, so people would not have prolonged opportunities to

view the garden of Flat 1, and the perception of overlooking would be substantially reduced.

14. The proposed staircase and platform would be visible from the garden of the adjoining property at no. 123. However, it would be located on the side of no. 125 that is furthest from this garden. Due to the transitory nature of the views, the angle of view and the separation distance, the proposal would not result in a harmful level of overlooking of the garden of no. 123.
15. Much of the garden of no. 127 has been taken up by what the submitted evidence describes as a new dwelling (no. 127D). From the staircase, views of the rear garden of the dwellings at 127 and 127D would be restricted to the rear most section which would be seen across the flat roof of the single storey part of the new dwelling and at some distance. Due to these factors, the proposal would not result in a harmful level of overlooking of this garden area. The two-storey part of the dwelling at 127D would prevent views of the garden of no. 129.
16. The proposed top landing platform would not be large. Residents of Flat 2 have access to a reasonable sized east facing rear garden that has sufficient space to accommodate typical garden activities and paraphernalia such as seating. In my judgement, the likelihood of the top landing being used for more than the short durations in which the stairs would be in use would be very limited.
17. I therefore conclude that any overlooking resulting from the proposal would not be so great as to be harmful to the privacy of neighbouring residents. Consequently, the proposal would accord with the residential amenity requirements of Policy Q2 of the Local Plan.

Other Considerations

18. The appellants state that the current staircase to the garden is narrow and does not meet current fire safety regulations. However, no clear evidence has been submitted in this regard and so the weight I give to this is limited.

Planning Balance and Conclusion

19. I have found that the proposal would not result in an unacceptable effect on the living conditions of neighbouring residents. However, the proposal would harm the significance of the non-designated heritage assets at 123 and 125 Bedford Road. Paragraph 209 of the Framework states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The harm and loss of significance that would be caused to the non-designated heritage assets would be material and would not be outweighed by the other considerations.
20. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR