



Appeal Decision

Site visit made on 30 July 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Appeal Ref: APP/N5660/W/24/3340552

120 Railton Road, London SE24 0JX

- 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 Andreas Koettering against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 23/03929/FUL.
 - The development proposed comprises a full-width loft conversion, sited between the boundaries of no.118 and no.126 Railton Road. The ambition of creating 2no. duplex, two-bedroom apartments is driven by the areas and amenity provision specified in the current London Housing Design Guide.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Between the deadline for final comments and the issuing of this decision, the Secretary of State has issued a Written Ministerial Statement entitled "building the homes we need", and a consultation has begun on the proposed reforms to the National Planning Policy Framework (the Framework). I have sought views from both the Council and the appellant on the relevance of this to the appeal.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the host property and the surrounding area.
 - The effect of the proposal on the living conditions of existing occupiers with regard to privacy.

Reasons

Character and Appearance

4. The appeal site is a brick built two-storey, block of flats with pitched roof. The property is located within a short terrace comprising residential and commercial uses with differing architectural styles. The property is located between a pair of two-storey gable end properties and a two-storey, flat roof building with a retail unit on the ground floor, next to which is a more modern building which rounds the corner with Mumford Road and has a large flat roof extension at third floor level. Both Milton Road and Mumford Road run from Railton Road, which sits at a slight angle to them. This means that the rear extensions on the

properties to the rear of Milton Road turn towards the appeal site. To the rear of the host property there is an extension at ground floor level, bounded by the flank walls of the extensions to adjacent properties.

5. The wider area is comprised primarily of two-storey residential properties of similar architectural styles. The terrace in which the appeal site is located has a different appearance to the uniformed character of the surrounding area.
6. The boundary of the Poet's Corner Conservation Area (CA) runs along the rear of the appeal site. The CA is a mid-late 19th century residential development with a range of house styles and includes Milton Road. Its significance is in the range of architectural styles with well-preserved detailing. Paragraph 212 of the Framework states that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. As the proposal would be behind the built form of properties along Milton Road it would have an imperceptible impact on the setting of the CA.
7. The proposal is for the erection of an additional storey in order to create extra floorspace for the second-floor flats. The proposed extension would be set back slightly from the front elevation, at a pitched angle and would be constructed from zinc and include 5 new windows to the front. To the rear, 4 new windows would be installed and would have obscured glazing.
8. Paragraph 124 of the Framework supports mansard roof extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street-scene, is well-designed (including complying with any local design policies and standards) and can maintain safe access and egress for occupiers. Although the consultation on the Framework proposes the removal of the reference to the height of the proposed mansard the overall aim of the paragraph remains.
9. Part K of Policy Q11 of the Lambeth Local Plan (2021) (LP) says that roof additions and mansards will not be permitted where they would harm the architectural integrity (building form and design integrity) of the original building or its group.
10. Although the proposed extension is set back from the front elevation of the host property, its height, scale, number and design of windows does not respond to its simple architectural detailing. The proposed extension would appear top heavy and over dominate the modest proportions of the host property.
11. The proposal would increase the height of the appeal building, with its roof sitting just above the eaves height of the gable fronted building of No 118 and above the ridgeline of No 126. Although No 128 has a large roof extension, this building is different to the host building as it is deliberately designed to be more prominent, reflecting its position on a corner. Similarly, the gable fronted buildings of 118 Railton Road and 70 Milton Road have a more prominent appearance. The host building and No 126 lie between these two corners and have a more modest appearance. The proposal would reverse this pattern, unbalancing the relationship between the appeal property and its neighbours, thereby harming the appearance of the street scene.

12. The appellant has drawn my attention to examples of mansards in the local area. I noted on my site visit that there are a number of mansards in close proximity to the appeal site, however the design and architectural detailing of these properties and the mansards are different to that of the case before me and therefore not comparable.
13. Although the proposal would create additional living accommodation for the existing flats, would provide space for the internal storage of rubbish and replace the existing windows which would have some benefits to the overall appearance of the site, this does not outweigh the significant harm caused.
14. I conclude that the proposal would harm the character and appearance of the host property and the surrounding area and thereby conflicts with Policies Q5, Q8 and Q11 of the LP and the Lambeth Design Guide (2023), which seeks amongst other things to ensure that new development reinforces local distinctiveness, is visually attractive and responds positively to the original architecture, roof form and fenestration.

Living Conditions

15. Policy Q2 of the LP supports development if adequate outlooks are provided, avoiding wherever possible any undue sense of enclosure or unacceptable levels of overlooking and would not have an unacceptable impact on levels of daylight and sunlight on the host building or adjoining property including their gardens or outdoor spaces.
16. Milton Road is set at an angle to Railton Road, which means that their elevations turn in towards the appeal property. Properties along Milton Road have been extended and therefore there is limited space between properties. On visiting the site, I noted that 68 Milton Road has a large dormer extension and three further windows on the rear elevation, whilst the rear outrigger of No 66 has one small window on its side elevation and an obscured window on its rear elevation. There is also a window on the side elevation of the rear outrigger of No 128 at second floor level.
17. The rear of the appeal property currently has 4 windows on the rear of the first floor, 2 of which are obscured. Drawing 1101/b REV B shows that the rear windows of the proposed extension would be obscured glazing with only the top part openable at 1.7m above floor level. The Council have brought to my attention reference in a previous appeal decision¹ that obscure glazing would not address the perceived loss of enclosure of these neighbouring properties, however I do not have the details of this case before me. Nevertheless, the scale and height of the current proposal would increase the sense of enclosure for the occupiers of Nos 66 and 68 Milton Road.
18. Consequently, the proposal would cause harm to the living conditions of existing occupiers with regard to privacy and thereby conflicts with Policy Q2 of the LP and the Lambeth Design Guide (2023), which seeks amongst other things to ensure that new development protects the living conditions of the occupiers of neighbouring properties.

¹ APP/N5660/A/10/2136741

Conclusion

19. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
20. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR