



Appeal Decision

Site visit made on 13 November 2024

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

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal Ref: APP/N5660/D/24/3346343

54 Edithna Street, Lambeth, London SW9 9JP

- 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 Richard Whiteaway against the decision of the London Borough of Lambeth Council.
 - The application Ref is 24/00234/FUL.
 - The development proposed is the construction of single storey side return pitched roof extension in materials to match existing; construction of first floor single storey outrigger extension in materials to match existing; construction of a mansard roof extension with lead clad dormers and timber sash windows, with roof finish to match existing; addition of 1 skylight into existing first floor outrigger roof slope.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the host dwelling and that of the local area; and
 - The living conditions of neighbouring residential occupiers.

Reasons

Character and Appearance

3. The appeal dwelling is a two storey mid-terraced house with two storey outrigger. It is located in a street of similar properties, many of which appear to have undergone significant extension, including mansards and rear extensions.
4. The proposed first floor rear extension would extend the outrigger approximately 2.1 metres further rearward, above the existing rear single storey extension. This would continue the same roof form as the existing outrigger and would include the removal of two existing chimneys. A single storey infill extension is proposed to the side of the outrigger, which would extend rearward to the extent of the existing single storey rear extension.
5. The proposed extensions to the outrigger and the side infill would combine to create a single visually cohesive rear to the appeal dwelling. This would be

complemented by the glazed doors that would extend across the combined rear wall of the extended outrigger and the use of matching materials.

6. The proposed first floor rear extension and side extension, when considered as a whole with the proposed mansard extension, would, due to their design, matching materials, scale and massing, appear as complementary and subordinate to the appeal dwelling. As such the first floor rear extension would not appear as a dominant and incongruous addition to the appeal dwelling. This would accord with the design guidance given for such extensions in the Lambeth Design Guide (2023) (the LDG).
7. The proposed first floor rear extension to the two storey outrigger would result in it projecting further rearward than the adjoining outrigger at 56 Edithna Street (No.56). However, there are numerous existing examples in the terrace of other similar rear extensions to outriggers that extend further rearward than their adjoining outriggers, including at 50 Edithna Street.
8. Within this context, and given the relatively small scale, matching roof profile and materials of the proposed outrigger extension, I find that it would result in a minimal change in appearance to the rear of the property. This change would not be to the extent that the proposal would have any significant detrimental effect on local distinctiveness.
9. For these reasons, I do not find that the proposal, when considered as a whole, would result in any significant harm to the character and appearance of the appeal dwelling or that of the local area. As such, the proposal would accord with Policies Q5 and Q11 of the Lambeth Local Plan (2021), which seek development, including extensions, that is of high design quality and responds to the original architecture and locally distinct forms. In this instance, lack of harm is a neutral factor in my consideration

Living Conditions

10. The proposed first floor extension to the existing outrigger would extend 2.1 metres from the existing rear wall of the adjoining outrigger at No.56. The distance from the proposed extension to the rear window at first floor level in this neighbouring outrigger would not be so close that it result in any significant sense of enclosure, and not to the extent that it would result in a loss of outlook that would be experienced as oppressive by the occupiers.
11. However, the appellant has not provided a daylight and sunlight study that would demonstrate the effect of the proposal on the room that this window serves. The appellant has raised the issue of whether this window serves a living space. However, the neighbouring property mirrors the existing layout of the appeal dwelling, and the submitted plans indicates the corresponding room in the appeal dwelling, as existing, to be living space. Consequently, there is nothing in the material before me or from my observations on my site visit to conclude that this window does not serve a living space.
12. Whilst the appellant has drawn to my attention other approvals for very similar first floor extensions to outriggers in the local and wider Council area. I am conscious that windows in many of the properties in the terrace differ and/or have been altered and moved over time. I note that the appeal proposal does itself include the enlargement and alteration of windows. Individual consideration is therefore required in terms of the effect on daylight and

sunlight to living spaces served by windows that would be potentially affected by the proposal.

13. It is not clear from the material submitted by the appellant whether the proposal would fully accord with the general 45 degree principle for overshadowing of windows. The appellant has also not provided a daylight and sunlight study that would allow me to fully assess the effect of the proposal in this regard.
14. The appellant has suggested that submission of a daylight and sunlight study could be made a condition of an approval, and I have considered, in accordance with Paragraph 55 of the National Planning Policy Framework (2023) (the Framework), whether an otherwise unacceptable development could be made acceptable through the use of conditions. However, the submission of such a study would not in itself result in the daylight and sunlight reaching the living space of No.56 to be within acceptable levels.
15. Therefore, such a condition would not meet the 'six tests' for conditions set out in Paragraph 56 of the Framework and Planning Practice Guidance. I do not, therefore, consider that a condition requiring the submission of a daylight and sunlight study could be attached to a permission to make the proposal acceptable in this regard.
16. For these reasons, I am not satisfied that the proposal would not result in significant harm to the living conditions of neighbouring residential occupiers. I find, therefore, that the proposal would be in conflict with Policy Q2 of the Lambeth Local Plan (2021). This seeks development that does not have an unacceptable impact on levels of daylight and sunlight on adjoining property.

Conclusion

17. For the reasons given and considering all other matters raised, the appeal is dismissed.

Victor Callister

INSPECTOR