



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: 11th December 2024

Appeal Ref: APP/N5660/D/24/3353396

68 Mervan Road, Lambeth, London SW2 1DU

- 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 Dai Hawkins against the decision of the London Borough of Lambeth Council.
 - The application Ref is 24/02226/FUL.
 - The development proposed is a single-storey ground floor rear and infill kitchen extension. The replacement of a double garage with a home office. A loft conversion, including the erection of a hip-to-gable extension, a rear mansard roof, the formation of a roof terrace, and the installation of front roof-lights. Alterations to hard/soft landscaping and boundary treatment.
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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 double fronted end of terrace two storey house with a hipped roof form to the original house. To the rear is an existing extended 2 storey plus mezzanine outrigger with a pitched roof form that hips with the rear roof slope of the main house. A narrow two storey flat roofed element with a triangular footprint sits in the angle between the main house and outrigger.
4. The appeal dwelling is located at the end of a street of similar but smaller single fronted terraced houses at its junction with Talma Road and sits with its side flank wall on the boundary with the footway on this street. On Talma Road there are existing tall timber pedestrian and vehicular gates and in the rear garden is an existing single storey double garage. The streetscape of the area is particularly cohesive with well-maintained late Victorian houses that have retained much of their original appearance.

5. The proposal includes the replacement of the existing double garage with an outbuilding and a single storey rear wrapping extension to the rear of the appeal dwelling, which sit in a complimentary arrangement with landscaping and new boundary structures to Talma Road. A hip to gable roof extension with a zinc clad rear mansard extension with dormers is also proposed at roof level along with a curved projecting terrace with zinc balustrade. This would include a single chimney to top the proposed gable end to the main house. The gable end wall above the existing flank of the main house would be in matching brick to existing but would be constructed utilising a corbel brick pattern.
6. The combination of the gable end with corbel brick pattern and the projecting massing and angles of the roof of the proposed mansard with projecting dormers would create a confused composition of discordant parts. This would appear as incongruous and dominating to the appeal dwelling, contrasting significantly with its traditional Victorian character. This would be particularly apparent when viewed from Talma Road, from immediately opposite and longer tangential viewpoints along the street.
7. In views of the appeal dwelling from the rear of neighbouring properties the roof level extension and alterations would also be seen in longer views with the proposed curved roof terrace, which would sit above the existing narrow triangular element in the angle between the main house and outrigger. In these views, the scale, curved scape and prominence of the proposed terrace would add further confusion into the composition of the proposed roof extension and alterations. This would further accentuate the incongruous and dominating effect of the proposal, not just on the appeal dwelling, but also on the existing harmonious and consistent character and appearance of the local area.

Living Conditions

8. Although the Council's decision notice states that the level of the proposed roof terrace is not apparent from the plans submitted, these do clearly show the level of the terrace and that it would be one step of approximately 110mm below that of the proposed second floor level in the proposed mansard extension.
9. Whilst the exact height of the zinc clad balustrade to the proposed roof terrace is not noted on the submission drawings, these do show that it would be low enough to allow for views out over the rear of neighbouring properties. This applies particularly to the rear and garden of the adjoining house in the terrace at 66 Mervan Road (No.66).
10. Given the projecting nature of the proposed roof terrace, the views into the windows of the neighbouring adjoining house at No.66 and its rear garden would be extensive and direct. This would not be significantly ameliorated by the presence of the proposed water feature that would form part of the terrace. As such this element of the proposal would result in a degree of overlooking that would be experienced by the occupiers of No.66 as intrusive and a significant loss of privacy.
11. In their statement the appellant states that the proposal is for a Juliette balcony to a proposed door in the rear of the outrigger that would sit above the proposed curved ground floor extension. However, this is not shown on the

submitted drawings or in the design and access statement, which indicate an open roof without balustrade that could be accessed from the open door.

12. Access to the roof of the proposed ground floor extension would facilitate the use of this roof as a terrace, which would further add to the overlooking and loss of privacy to No.66 from the proposed roof terrace that I have identified. However, I agree with both parties that a Juliette balcony to the proposed door would limit access to the roof and would not result in any overlooking or concomitant loss of privacy.
13. The addition of a Juliette balcony could be achieved through the application of a suitably worded condition on an approval. However, such a condition would not overcome the overlooking and resulting loss of privacy that would result from the proposed roof terrace that I have identified.
14. The appellant has brought to my attention numerous examples of existing rear and mansard/dormer extensions in the local and Council area that they believe to be exemplars for the proposal, as well as extensions that demonstrate contemporary/modern design and architecture. However, these all differ significantly in design and form from the proposal and would have been considered with regard to their context and on their own individual merits. I have done likewise in my consideration of the proposal, which is a main tenet of the planning system. I have, therefore, only afforded these limited weight in my considerations

Other Matters

15. I appreciate that the proposal was amended following pre-application advice on issues pertinent to this appeal and lessons learned from previously refused applications. The appellant has set out in their appeal statement concerns with regard to communication with the Council pre-applications and during the planning application process. However, there are other procedures in place that relate to such matters, and these are not issues for me to consider as part of this appeal, where I can only consider such issues as they relate to the appeal proposal.
16. For the reasons given above, I find that the proposal, when considered as a whole would result in substantial harm to the character and appearance of the appeal dwelling and that of the local area, as well as substantial harm to the living conditions of neighbouring residential occupiers. This would conflict with Policies Q2, Q5, Q8 and Q11 of the Lambeth Local Plan (2021). These collectively seek development, including extension, that is of high design quality, visually attractive, does not compromise visual amenity from adjoining sites and the public realm and that acceptable levels of privacy are provided to neighbouring residential occupiers.

Conclusion

17. For the reasons given and with consideration of all other matters raised, the appeal is dismissed.

Victor Callister

INSPECTOR