



Appeal Decision

Site visit made on 20 November 2024

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

an Inspector appointed by the Secretary of State

Decision date: 13 December 2024

Appeal Ref: APP/N5660/D/24/3350703

316 South Lambeth Road, Lambeth, London SW8 1UQ

- 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 Tamoor Ali against the decision of the London Borough of Lambeth Council.
 - The application Ref is 24/01141/FUL
 - The development proposed is the demolition of closet return to rear elevation, garden store and greenhouse. Erection of lower ground and ground floor rear extension with small basement store. Reconfiguration of rear garden, to include installation of in-ground swimming pool and hot tub.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Subsequent to the decision made by the Council on the planning application to which this appeal relates, the National Planning Policy Framework was revised. I have therefore made my decision with regard to the National Planning Framework (December 2024) (the Framework).

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the appeal dwelling, the terrace of which it forms part and that of the local area, with reference to the South Lambeth Road Conservation Area (the CA); and
 - The living conditions of neighbouring residential occupiers with reference to loss of light and outlook.

Reasons

Character and Appearance

4. The appeal dwelling is a 3 storey with basement and attic end of terrace house, located in that part of South Lambeth Road that is made up of similar houses in short but closely set terraces of good sized Victorian houses. To the front is a garden with steps to the raised ground floor main entrance. To the rear there is a long rear garden with access to a gated rear vehicular access lane, that runs

- between the appeal dwelling and neighbouring houses and the Lambeth bus garage.
5. The appeal building is noted in the South Lambeth Road Conservation Area Statement (2012) (the CA Statement) as being a locally listed building. As such, the appeal dwelling is a Non Designated Heritage Asset (NDHA), along with the other houses in the terrace that are identified on the Council's list. I have considered the effect of the proposal in line with paragraph 216 of the Framework accordingly.
 6. In my judgement, the distinctive architectural qualities and the survival of original architectural expression of the appeal dwelling, despite an earlier mansard extension, contributes much to its significance as an NDHA, together with others in the terrace so identified. I find that, along with the other houses in the terrace, which sit within a street that demonstrates a leafy and spacious character in this part, the appeal dwelling make a positive contribution to the character and appearance of the local area and the significance of the CA. This primarily rests in its development as a residential area comprising a cohesive townscape of primarily late Georgian and Victorian properties.
 7. In line with the duty imposed on me by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the CA.
 8. The proposed lower ground floor extension would require excavation to allow the proposal to have a shared floor level with the existing lower ground floor. This would result in its flat roof being approximately 2 metres above the existing garden level. It would be as wide as the appeal dwelling and rear garden would follow the slightly canted angle of the garden.
 9. The rear wall of the proposed lower ground floor extension would, in plan, have a fully glazed asymmetrically curve. At its furthest point this would have a maximum depth of approximately 10.9 metres. The proposal is for this to have a planted roof with 3 circular roof lights that would project slightly above the level of this planting and projecting stove flue.
 10. The design, form and massing of the lower ground floor extension would take no reference from the architectural expression of the appeal dwelling and its contemporary design would significantly contrast with its Victorian character. This would significantly alter the visual relationship between the appeal dwelling and adjacent houses in the terrace of which the dwelling forms part.
 11. Due to its scale, flat roof with circular roof lights and its asymmetrical rear wall, it would therefore appear as an architecturally discordant and unduly prominent addition to the appeal dwelling. As such, the proposal would appear as a visually incongruous and dominating addition to the appeal dwelling that would not reflect its existing character and appearance and that of the group of terraced houses of which it forms part. This would fail to maintain their significance as NDHAs, thereby detracting from the character and appearance of the local area and would be detrimental to the significance of the CA.
 12. The proposed ground floor extension would have a slightly larger brick closet return than existing, with a window instead of door and stairs, which currently provide access to the lower rear garden level. The closet element would be

enlarged to the side with glazed rear wall and would extend close to the boundary of the appeal dwelling with the adjoining house at 314 South Lambeth Road (No.314). This represents a relatively modest extension of simple design that demonstrates a contextual brick closet return and appears to acceptably reflect the character and appearance of the appeal dwelling, the terrace of which it forms part and maintains the significance of the CA. I also have no concerns in these regards to the proposed swimming pool, hot tub and landscaping to the rear part of the garden.

13. I appreciate that the appellant has sought in the design of the appeal proposal to overcome the reasons for refusal of an earlier refused application. However, I have considered the appeal proposal on its own individual merits, which is a main tenet of the planning system. I find that when considered as a whole and for the reasons given, the proposal would demonstrably and unsympathetically contrast with the design of the original dwelling, this would result in significant harm to the character and appearance of the appeal dwelling and its significance as a NDHA, as well as harm to the significance of the CA.

Living Conditions

14. Although the roof level of the proposed lower ground floor rear extension would be approximately 2 metres above the existing garden level, it would have a depth of approximate depth of 10.9 metres. This would result in an increased sense of enclosure resulting from the effect of its flank wall to the boundary with No.314, as experienced from its rear garden and lower ground floor. Whilst the appellant has equated this with the effect of a two metre tall garden wall, I find that the extent and box like massing of the proposed lower ground floor extension and the proposed projection of roof lights and flue above its roof, would have a more detrimental effect in this regard. For these reasons, I find that this would result in an have an increased enclosing effect on neighbouring occupiers that would be experienced as moderately oppressive and harmful to their living conditions.
15. As part of their appeal statement the appellant has submitted a Daylight and Sunlight Assessment¹. I am satisfied that this has been carried out in accordance with BRE requirements. This confirms my findings from my site visit, that, due to the limited height of the proposed lower ground floor above garden level and modest scale of the proposed ground level extension, the proposal as a whole would only have a marginal effect on the light reaching the windows of No. 314. I find that this marginal loss of light would not be detrimental to the levels of light to living spaces in this neighbouring dwelling that would be to the extent that it would have any significant harmful effect on the living conditions of its occupiers. Lack of harm in this regard is a neutral factor in my considerations.

Other Matters

16. The appellant has set out in their appeal statement concerns with regard to communication with the Council pre-application and during the planning application process. There are, however, other procedures in place that relate to such matters, and these are not for me to consider as part of this appeal as they do not directly relate to the appeal proposal before me.

¹ Blue Sky Surveyors, dated 14/08/2024

17. For the reasons given above, I find that the proposal would be harmful to the character and appearance of the appeal property and its significance as a NDHA, as well as to significance of the CA. I further find that the proposal would result in harm to the living conditions of neighbouring residential occupiers. This would not accord with Policies Q2, Q5, Q11, Q22, Q23 and Q27 of the Lambeth Local Plan (2021). These collectively seek development, including extension, that is of high design quality, sustains local distinctiveness, having due regard to the importance of preserving or enhancing heritage assets and that acceptable outlook is provided to neighbouring residential occupiers.

Planning Balance and Conclusion

18. I find that when considered as a whole, the harm to the living conditions of neighbouring occupiers would be moderate and that harm to the character and appearance of the appeal dwelling as an NDHA and the terrace of which it forms part would be substantial, although the harm to the CA would be less than substantial. In accordance with the Framework, great weight should be given to the conservation of these heritage assets.
19. The proposal, whilst increasing the size of the appeal dwelling and improving the amenity of occupiers would not provide any further bedrooms and would be of primarily private benefit. I must give considerable importance and weight to the effect on the significance of the CA, and, in addition, significant weight to the effects on the character and appearance of the appeal property as an NDHA. I consider that these benefits do not outweigh the harm I have identified.
20. For the reasons given, I conclude that the appeal should be dismissed.

Victor Callister

INSPECTOR