



Appeal Decision

Site visit made on 19 November 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2024

Appeal Ref: APP/N5660/W/24/3349961

First Floor and Second Floor Flat 61 Kennington Oval, Lambeth, London SE11 5SW

- 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 N Jones against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 24/01022/FUL.
 - The development proposed is the erection of railings to provide a rear roof terrace at second floor level.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have considered the changes and as they are not material to the proposal, further comments were not sought by the parties. I have, however, determined the appeal having regard to the revised Framework.

Main Issues

3. The main issues are the effect of the proposed development on (i) the living conditions of occupiers of neighbouring properties with regard to privacy, and (ii) the character and appearance of the building and whether it would preserve or enhance the character and appearance of the Vauxhall Conservation Area (Conservation Area).

Reasons

Living conditions

4. The appeal proposal includes the creation of a small roof terrace area over the rear outrigger. Although the proposed terrace would have a limited floor area, it would be situated at an elevated level and would allow views into the rear windows of the adjoining neighbouring properties at No's 60 and 62 Kennington Oval.
5. The appellant has suggested the use of a privacy screen which could be secured by condition, but no details of this have been provided. Although such a screen would provide privacy benefits whilst still allowing daylight to reach neighbouring properties, it is not clear what the visual effect of this addition

would be on the appeal building, or on the Conservation Area within which the appeal site is situated.

6. Given the above, I conclude that the proposed development would have an unacceptable adverse impact on the living conditions of occupiers of neighbouring properties with regard to privacy. As such, it would be contrary to Policy Q2 of the Lambeth Local Plan 2020-2035 (Local Plan), which seeks, amongst other matters, for development to provide acceptable standards of privacy without a diminution of design quality.

Character and appearance

7. The Conservation Area includes 18th and 19th Century housing like the terrace that the appeal site forms part of. The predominance of terrace housing, set close to the highway, provides a strong degree of enclosure, although areas of open space and the presence of trees and other vegetation combine to give a spacious and verdant character, which contribute positively to the Conservation Area.
8. The proposed terrace would be enclosed by black metal railings of a simple design with a height of around 0.7m. The terrace would be accessed by a set of proposed double doors that would replace the existing window. Although the proposal would in itself be of a modest size, it would add a feature that is not traditional to the area. Despite being to the rear of the building, the development would be visible from various vantage points, including from Bedeser Close where it would detract from the traditional character of the host building and that of the Conservation Area.
9. Whilst there are other roof terraces in the area, it is common ground between the main parties that they do not benefit from planning permission. In any event, the timber balustrade on the neighbouring property, No. 62, is of a more limited height than that which forms part of the proposal and only partially encloses the neighbouring terrace. This neighbouring development has also not resulted in the loss of a traditional window for doors. The other neighbouring property's roof terrace at No. 60 is not situated on the rear outrigger and is therefore not comparable to the proposal. The appeal terrace has existing railings, but these are at the front and mainly at a lower level along the front boundaries of properties.
10. The proposal would be harmful to the character and appearance of the appeal building and would fail to preserve the character and appearance of the Conservation Area. The harm to the Conservation Area would be less than substantial and therefore in line with Paragraph 215 of the Framework, this harm should be weighed against any public benefits of the proposal.
11. The proposal would result in the removal of the water tank from the roof area where the terrace is proposed. Given the size of the water tank of which there was limited visibility from the surrounding area, this amounts to a public benefit of limited weight.
12. Having considered this as a public benefit, it would not outweigh the harm that would be caused to the heritage asset. Accordingly, the proposal would conflict with the Framework in terms of its aims to sustain and enhance the significance of heritage assets and the desirability of development to make a positive contribution to local character and distinctiveness.

13. I therefore conclude that the proposal would conflict with Policies Q5, Q11 and Q22 of the Local Plan, which seek, amongst other matters, for development to preserve or enhance the character or appearance of Conservation Areas. It would also be contrary to the Lambeth Design Guide Part 4 Building Alterations, Extensions and Retrofit Supplementary Planning Document and the Framework, which seek to conserve the special interest of heritage assets.

Other Matters

14. The proposed development would not give rise to any harmful loss of light or outlook on neighbouring occupiers. The appeal property is not a listed building. These are all however neutral matters and not ones which weigh in favour of the development.
15. The proposal is on an existing residential property in an accessible location. Whilst residential extensions and alterations are supported by the Local Plan, the development plan also requires a design which responds positively to the host building, preserves or enhances a Conservation Area as well as having consideration of the effect of the proposal on living conditions.
16. Reference has been made to a development on a site in the surrounding area¹ for the formation of a rear roof terrace, including the installation of a door. Limited further details have however been provided, although the Council has stated that the referenced site is not in this Conservation Area, nor any other Conservation Area. As such, the circumstances of this approved development are not comparable to the appeal before me.

Conclusion

17. I conclude that the proposal would not accord with the development plan as a whole, and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this. I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR

¹ LPA Ref: 23/03431/FUL