



Appeal Decision

Site visit made on 2 May 2025

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025.

Appeal Ref: APP/N5660/D/24/3356549

15 Selsdon Road, Lambeth, London, SE27 0PQ

- 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 Oliver Hoath against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 24/02028/FUL.
 - The development proposed is 2-storey side extension with associated house refurbishments. New boundary wall and single storey garage/workshop in garden with access from Dodbrooke Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Daylight and Sunlight Report and an additional drawing relating to visibility splays, with minor amendments made to the proposed width of the outbuilding doors have been submitted as part of the appeal. I have considered the submitted plans with regard to the judgement of *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin). In terms of the substantive test, I find that the report and additional drawing would not substantially alter the proposal. However, in terms of the procedural test, given that interested parties and consultees would not be aware of the additional information, I consider that they would be prejudiced if I determined this appeal on the basis of this additional information. Consequently, I have not accepted this additional evidence as part of the appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property and surrounding area;
 - the safety of pedestrians using Dodbrooke Road; and
 - the living conditions of the occupiers of No 17 Dodbrooke Road with particular reference to daylight and outlook.

Reasons

Character and Appearance

4. The appeal site is a semi-detached dwelling located on a corner plot. The dwelling is white rendered with pitched gable bay and mock tudor gable detailing. The site has off street parking to the front, a detached single garage, with a further outbuilding to the rear. The front of the property is enclosed by low level fencing and metal gates, with the rear garden enclosed by timber fencing. The rear elevation of the host property faces onto the side elevation of 17 Dodbrooke Road. Due to its corner position the host property is visually prominent within the street scene.
5. This part of Selsdon Road is comprised of pairs of semi-detached dwellings, which are laid out in a particular pattern, with the central two pairs having a different architectural style to the other pairs. Although there are variations to the architectural style, there is a repeated pattern in the layout and spaces between dwellings, materials and window proportions. The regularity of these features has a pleasing rhythm that contributes positively to the character and appearance of the street scene.

Extensions

6. A two-storey side extension and rear single storey ground floor extension was granted permission under LPA Ref 21/00632/FUL. A further revised design was approved under LPA Ref 21/02507/FUL which added an infill extension at ground floor level. These permissions were not implemented.
7. The proposed side extension would be stepped down from the ridge height of the host property and set back from the front elevation. This element of the proposal in isolation would therefore appear subservient to the host property retaining a balanced appearance. However, the rear link extension would connect to the host property at first floor level and project beyond its rear elevation. It would have a flat roof and be stepped downwards from the rear elevation of the side extension. This would create an awkward addition which would visually compete with the original scale and proportions of the property, particularly when viewed from Dodbrooke Road. Cumulatively, the side extension and rear extension would dominate the appearance of the host property and erode the well-balanced relationship with the adjoining dwelling. Moreover, the overall massing of the proposal would be out of keeping with the simple, consistent building form of the surrounding area.
8. Although dark cladding is used on neighbouring dormer extensions, the large expanse of zinc cladding proposed would appear as a stark addition in comparison to the traditional materials of neighbouring dwellings. Furthermore, the proportions of the windows of the extension would appear at odds with the well-balanced fenestration arrangements of existing dwellings within the street. As a result, the proposed extensions would harm the character and appearance of the host property and surrounding area.
9. The appellant has referred me to the use of dark slate or zinc materials on the mansard roofs of the nearby Hainthorpe Estate. However, in this example these darker materials are an integral part of the design of this modern estate. Whereas in the case of the appeal site the proposed materials would be an isolated example which would contrast with the established character.

10. The appellant has referred me to examples at 1 Selsdon Road, 58 Uffington Road, 215 and 231 Covington Way and 91 Thornlaw Road, where permission has been granted for two storey extensions along site boundaries with asymmetrical designs. I do not have full details in respect of these cases or the circumstances in which permission was granted, so cannot be certain that they are directly comparable to the appeal case. In any event, I have determined the appeal on its own merits, based on the evidence before me.

Garage building

11. Policy Q14 of the Lambeth Local Plan (2021) (LP) states that new development in rear gardens will be supported where the total area of ground covered by the buildings does not exceed 50% of the total area of the curtilage and where they are set back at least 1m from all site boundaries (to allow access for the maintenance and to provide gaps between buildings) unless site circumstances dictate otherwise.
12. Whilst the proposed garage would not exceed 50% of the garden area it would have a ridge height similar to the eaves height of 17 Dodbrooke Road and be of a similar width. The height would be accentuated by the sloping topography and the proposed garage would therefore appear as a dominant feature within the rear garden. Furthermore, its proposed bulk and height would enclose much of the space between the two properties, eroding the open character of this part of the street.
13. The proposed garage would be positioned right up to the boundary with the pavement and 17 Dodbrooke Road. It therefore would not comply with Policy Q14 with regards to maintaining gaps to provide access for future maintenance and would fail to remove the bulk away from No 17. Although the appellant contends that the gap is not necessary as the outbuilding could be maintained through agreement with the occupier of No 17, there are no guarantees of this.
14. I note that a Certificate of Lawful Development was granted (LPA Ref 19/00763/LDCP) in April 2019 for the erection of a single storey rear garage outbuilding and installation of gates to the side of the rear garden. This garage would also fail to comply with Policy Q14 in relation to the 1m maintenance buffer. However, this building would be located at the opposite side of the garden and have a slanted roof with maximum height of approximately 2.4m. Therefore, only a small proportion would be visible above the height of the boundary fence. This contrasts with the proposal which would extend well beyond the height of the fence and would have a pitched roof, which increases its overall massing and would be directly adjacent to the pavement. I note that the proposal would make more efficient use of the garden than the granted scheme, however this is not sufficient to outweigh the harms I have identified.

Boundary treatment

15. There are a range of boundary treatments to the front of the dwellings which front onto Dodbrooke Road. Although these include a mix of materials including brick, render, timber fencing and hedges, they are generally of low level. The host property is currently enclosed along its boundary with Dodbrooke Road with timber fencing which ranges between approximately 1m to 2.7m in height, with trellis above in some sections. The varied height of the fence reduces its overall bulk. I

observed that due to the topography the fence is shorter when viewed from within the garden of the host property.

16. The proposal includes the replacement of the fencing with a brick wall along the side of the garden adjoining Dodbrooke Road. The fence would broadly follow the same height as the existing fence and range from 1m to approximately 2.7m in height. The proposed height, particularly next to 17 Dodbrooke Road would be at odds with the established character of low-level boundary treatments and would further enclose the open appearance of the site.

Overall

17. The proposed development would harm the character and appearance of the host property and surrounding area. It would thereby conflict with Policies Q5, Q11, Q14 and Q15 of the LP. Together, these policies seek to ensure that new development reinforces local distinctiveness, positively responds to local character and that extensions do not dominate the host building or overwhelm its form and composition.

Pedestrian Safety

18. The Council's reason for refusal cites conflict with policy T6 of the London Plan and Policy T6 of the LP, however neither policy specifically refers to the visibility splays which are referred to in the reason's wording. The Council's transport team have raised objections based on highways safety and car parking displacement.
19. The site is located in an area with a Public Transport Accessibility Level of 4, which is considered to be good. I observed that at the time of my site visit Dodbrook Road was heavily parked on both sides. Nevertheless, I note that there are existing crossovers over the pavement further along Dodbrooke Road. In front of the proposed access to the garage there is off street parking with a designated area for electric car charging in close proximity.
20. The proposal would remove the existing off-street parking to the front of the dwelling and replace it with parking within the garage. This would free up space for on-street car parking on Selsdon Road but also reduce provision on Dodbrooke Road. No information was submitted as part of the application in relation to visibility splays for vehicles using this garage or the implications in relation to displacement of on-street car parking provision. Therefore, based on the evidence before me I am not satisfied that the vehicle movements into and out of the proposed garage would not cause unacceptable harm to the safety of pedestrians using Dodbrooke Road.
21. The proposed development would harm the safety of pedestrians using Dodbrooke Road. Therefore, the proposal conflicts with Policy T6 of the London Plan (2021) and Policy T6 of the LP, which amongst other things seek to ensure that sites are redeveloped that car parking provision reflects the current approach.

Living Conditions

22. As set out above the proposed garage would be located right up to the boundary with No 17 Dodbrooke Road. This dwelling has windows at first floor level with obscured glazing, which appears to serve a bathroom, and a smaller window located in the roof space which face onto the garden of the host property. There is also a small window on the ground floor level, however this already sits below the

level of the existing fence and is positioned towards the opposite corner to where the garage would be sited.

23. The garage would be approximately 0.37m higher than the height of the existing fence. Due to its angle, its pitch would run upwards from the side boundary of No 17, which would reduce its overall impact. The Design Report submitted with the application contains drawings which indicate the shadowing effects of the proposed development at different times of the day. These drawings show that the proposed garage would have limited impact on the habitable rooms served by the windows of this side of 17 Dodbrooke Road with regards to daylight. In the absence of any substantive evidence to the contrary I am satisfied that the proposed garage would not cause unacceptable harm to the living conditions of No 17 in relation to daylight.
24. The eaves height of the proposal would also have similar impact to that of the existing fence in terms of outlook from the ground floor window on the side elevation of No17, whilst the first-floor window is already obscured glazing. Therefore, the proposal would not cause unacceptable harm to the living conditions of this dwelling with regards to outlook.
25. In conclusion, the proposed development would not cause unacceptable harm to the living conditions of the occupiers of No 17 Dodbrooke Road with particular reference to daylight and outlook. It would thereby comply with Policy Q2 of the LP, which amongst other things seeks to ensure adequate outlooks are provided and that development does not have an unacceptable impact on levels of daylight.

Conclusion

26. The proposal would provide additional living accommodation for the appellant and would use modern methods of construction and would include solar panels and flat green roofing to ensure the sustainable credentials of the design. However, it would harm the character and appearance of the host property and surrounding area and would harm the safety of pedestrians using Dodbrooke Road. These harms are not outweighed by the benefits which I have identified and are sufficient to justify dismissing the appeal.
27. 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.
28. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR