



Appeal Decision

Site visit made on 16 June 2025

by Andreea Spataru BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2025

Appeal Ref: APP/N5660/W/25/3363038

8 First Floor & Second Floor Flat, Offley Road, Lambeth, London SW9 0LS

- 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 Ian Davis against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 24/02477/FUL.
 - The development proposed is described as 'Proposed rear roof terrace, facade alterations and all associated works'.
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Decision

1. The appeal is allowed, and planning permission is granted for a rear roof terrace, façade alterations and all associated works at 8 First Floor & Second Floor Flat, Offley Road, Lambeth, London SW9 0LS in accordance with the terms of application ref 24/02477/FUL and subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawings: location plan, block plans (B240447-3000 Rev A), proposed drawings (B240447-3100 Rev A), other than where those details are altered pursuant to the conditions of this planning permission.
 - 3) All new external work and finishes shall match existing original work adjacent in respect of materials used, detailed execution and finished appearance except where indicated otherwise on the drawings hereby approved, or unless otherwise agreed in writing with the local planning authority.
 - 4) Prior to the commencement of above ground works, details of privacy screening to the proposed roof terrace shall be submitted to and approved in writing by the local planning authority. The approved screening shall be implemented in full prior to the use of the roof terrace hereby permitted and shall thereafter be retained for the lifetime of the development.

Preliminary Matter

2. The description of development above has been taken from the application form. However, I have removed the words related to the address, in the interest of conciseness.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to privacy.

Reasons

4. The appeal site relates to the first and second floor flat, which is part of a row of terraced buildings, on a predominantly residential street. The proposal seeks to use the existing rear outrigger roof to form a roof terrace. It also includes the replacement of the existing second-floor rear window with a door, which would provide access to the roof terrace, and the insertion of metal railings above a short brick wall.
5. The adjoining residential units use the roof of the outriggers as amenity space. The Council indicates that the existing roof terraces of neighbouring properties have not been created through express planning consent. Nevertheless, as a result of the existing roof terraces, there is a degree of overlooking between the residential units. Due to the close proximity of the appeal site to neighbouring residential units and taking into account the windows, gardens, and roof terraces of the neighbouring residential units, the proposal would increase the existing levels of overlooking.
6. The appellant asserts that the effect of the proposal could be mitigated through a condition that would secure privacy screening and suggests an approximately 1.7m high obscure glazed screening or lightweight trellis screening at the boundary of the roof terrace. The Council has raised concerns regarding such a condition due to the need for additional assessment regarding the design of the privacy screening and its effect on the character and appearance of the area.
7. The rear of the appeal site backs onto a gated private road. Tall buildings are screening the rear of the site, such that the proposal would not have a prominent position within the surrounding area. Given the particularities of the appeal site, and having had regard to the Planning Practice Guidance, which states that conditions can enable development to proceed where it would otherwise have been necessary to refuse planning permission by mitigating the adverse effects, I consider that a condition to secure privacy screening is appropriate in this case. Accordingly, subject to such condition, the proposal would not increase the levels of overlooking to such a degree that would significantly affect the living conditions of the occupiers of neighbouring properties.
8. The Council has drawn my attention to several appeal decisions¹. Having considered the details of those cases, the appeal scheme is not directly comparable with those developments due to the differences in main issues, scale and design, and location, including in relation to designated heritage assets. Consequently, I have considered the appeal proposal based on its own merits and site-specific circumstances.
9. In conclusion, the proposal would have an acceptable effect on the living conditions of the occupiers of neighbouring properties, with particular regard to privacy. Therefore, it accords with the aims of Policy Q2 of the Lambeth Local Plan 2020-2035 adopted 2021, which states that, amongst other things, developments will be supported if adequate outlooks are provided avoiding wherever possible unacceptable levels of overlooking or perceived overlooking.

¹ Appeal refs: APP/N5660/D/24/3353396, APP/N5660/W/24/3349961, APP/N5660/W/22/3290376.

Conditions

10. In the interest of proper planning and to provide certainty I have imposed the standard time limit condition and specified that the development should be carried out in accordance with the approved plans. In order to protect the character and appearance of the area and the living conditions of the occupiers of neighbouring properties, conditions to secure materials and details of privacy screening are necessary.

Conclusion

11. For the reasons given above I conclude that the development complies with the development plan. Therefore, the appeal is allowed.

Andreea Spataru

INSPECTOR