



Appeal Decision

Site visit made on 20 June 2025 by R Dickson BSc (Hons) MSc MRTPI

Decision by M Clowes BA (hons) MCD PG CERT (Arch Con)

an Inspector appointed by the Secretary of State

Decision date: 08 September 2025

Appeal Ref: APP/N5660/D/24/3357647

85 Bonnington Square, Lambeth, London SW8 1TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by CarneySweeny Ltd against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 24/02408/VOC.
 - The application sought planning permission for the demolition of 2 single storey and 1 2-storey outbuildings within the yard and the construction of a 2-storey side extension to the existing dwelling to provide additional ground floor living accommodation, and two first floor bedrooms. The works also include new external paving and entrance gates to the existing front wall and further excavation of the existing basement without complying with a condition attached to planning permission Ref 20/04149/FUL.
 - The condition in dispute is No 4 which states that: the flat roof area over the extension hereby approved shall not be used as a balcony, terrace, sitting out or other amenity area.
 - The reason given for the condition is: to safeguard the privacy and amenity of adjoining occupiers.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary and Procedural Matters

3. Planning permission was granted for the construction of a two-storey extension on the side of 85 Bonnington Square¹. Condition 4 of that permission restricts the flat roof area over the extension being used as a balcony, terrace, sit out area, or other amenity area. The appellant seeks to remove this condition to enable the use of the roof as a terrace.
4. The permitted extension has been constructed. During my site visit, I observed that there was a permanent means of access onto the roof in the form of spiral stairs with an enclosure, railings around the perimeter of the flat roof area, and a foldable sun lounger. The appellant's heritage statement identifies the current railings as being unauthorised. Although it was evident that work was still being undertaken on the flat roof, my observations would suggest that planning permission has been carried out without compliance with condition 4, the subject of this appeal. I have no

¹ Planning application reference 20/04149/FUL.

evidence before me to suggest that the breach of condition occurred before the planning application was made. Therefore, I have considered the appeal under Section 73 of the Town and Country Planning Act 1990 (as amended).

5. The appellant has submitted this appeal together with a separate appeal against the refusal to grant planning permission for a roof terrace, installation of railings, privacy screen and staircase enclosure². Both appeals share an appeal statement submitted by the appellant. I have assessed and made my recommendation on the two appeals simultaneously but independently of one another.

Main Issue

6. The main issue is the effect that removing condition 4 would have on the living conditions of the neighbouring occupiers, with specific regard to privacy and outlook.

Reasons for the Recommendation

7. The appeal property, 85 Bonnington Square is shorter and wider than the surrounding terraced dwellings. The two-storey flat-roofed extension sits between the main bulk of No 85, and the neighbouring three-storey property, No 82. The extension is the full width between the host and No 82 at ground level, however it steps away from No 82 at first floor level.
8. Condition 4 was imposed to safeguard the privacy and amenities of adjoining occupiers to accord with Policy Q2 of the Lambeth Local Plan (2015) (Local Plan). Criterion (ii) and (iii) of Policy Q2 are most relevant, in that they seek to support development if it provides acceptable standards of privacy and adequate outlook, avoiding wherever possible any undue sense of enclosure or unacceptable levels of overlooking.
9. The extension does not have any windows which overlook the rear elevation, or rear courtyard, of No 82. As such, the occupants of No 82 currently experience a high level of privacy from the north. The removal of condition 4 would allow the whole roof to be used as an outdoor living area, which would provide an opportunity for direct overlooking into the upper floor windows and courtyard as well as an increased perception of being overlooked from this vantage point. The introduction of overlooking opportunities, particularly given the height of the roof above the courtyard would reduce the level of privacy currently experienced by the neighbouring occupants. It would therefore, have a harmful impact on the privacy of the occupants of No 82.
10. The corner of the extension nearest to No 82 was stepped in at first floor level, and the Planning Officer notes that this provides acceptable outlook from the first-floor window of No 82. The introduction of an outdoor area on the roof would not in itself create a sense of enclosure. However, any safety or other measures that would be required may give rise to harm to the living conditions of neighbouring occupiers. Whilst potentially addressing privacy, it has not been adequately demonstrated that the installation of a screen would not cause subsequent harm to the outlook afforded to the habitable rooms and rear courtyard of No 82. In any case, development to make the roof safe and usable is outside of the scope of my assessment for the removal of the condition.

² Appeal ref: APP/N5660/D/24/3357646

11. Accordingly, the use of the roof as a terrace would adversely affect the living conditions of the occupants of No 82, with specific regard to privacy, outlook and daylight. As such, the disputed condition remains reasonable and necessary. The proposal would conflict with Policy Q2 of the Local Plan as set out above.

Conclusion and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

M Clowes

INSPECTOR