



Appeal Decisions

Site visit made on 9 September 2025

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 September 2025

Appeal A Ref: APP/N5660/W/25/3364739

24 – 26 First Floor Flat, Rollscourt Avenue, Lambeth, London SE24 0EA

- 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 Elizabeth Sargent against the decision of the Council of the London Borough of Lambeth.
- The application Ref is 24/03088/FUL.
- The development proposed was described as *'Formation of a roof terrace and the installation of sliding doors. To raise the walls and install obscure glass banister'*.

Appeal B Ref: APP/N5660/W/25/3364742

24 – 26 First Floor Flat, Rollscourt Avenue, Lambeth, London SE24 0EA

- 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 Elizabeth Sargent against the decision of the Council of the London Borough of Lambeth.
- The application Ref is 25/00542/FUL.
- The development proposed was described as *'Formation of a roof terrace and the installation of sliding doors. To raise the walls and install obscure glass banister 1.1m height'*.

Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for formation of a roof terrace and the installation of sliding doors. To raise the walls and install obscure glass banister at 24 – 26 First Floor Flat, Rollscourt Avenue, Lambeth, London SE24 0EA in accordance with the terms of the application, Ref 24/03088/FUL, subject to the conditions set out in the attached Schedule of Conditions.

Appeal B

2. The appeal is allowed and planning permission is granted for formation of a roof terrace and the installation of sliding doors. To raise the walls and install obscure glass banister 1.1m height at 24 – 26 First Floor Flat, Rollscourt Avenue, Lambeth, London SE24 0EA in accordance with the terms of the application, Ref 25/00542/FUL, subject out in the attached Schedule of Conditions.

Preliminary Matters

3. Other than the heights of the glazed 'banister' panels the two appeal schemes are essentially identical. Thus, the position of the proposed roof terrace at the rear of the property, the area of the terrace, the means of access and the steps down to it from within the first floor flat and the extent to which additional courses of masonry would be added to the top of the existing previously built ground floor extension are also the same. The appellant is the same for both appeals. Unless expressly stated as referring to appeal A or appeal B, I have considered the appeals jointly.

Main Issues

4. The main issues are the effects of the proposed appeal schemes upon:
 - The character and appearance of the appeal property and the surrounding area; and
 - The living conditions of occupiers of neighbouring properties, with particular regard to noise and disturbance.

Reasons

Character and appearance

5. The appeal property is a semi-detached building that has been internally sub-divided into a number of residential flats. It is one of three outwardly similar such properties at this point of Rollscourt Avenue. At the rear, all three pairs of buildings have similar multi-storey outriggers, with further ground extensions and, in the case of the appeal property, also a further first floor extension, from those outriggers.
6. Planning permission was previously granted¹ for a ground floor extension (hereafter, the ground floor extension) to the ground floor flat below the appeal property and it is that that would provide the basis for the proposed roof terrace extensions in the appeals before me. The height of the brick parapet wall atop the existing extension would be built up by in the region of 0.53m to facilitate a raised floor level closer to that of the first-floor flat's internal floor levels.
7. The area to the rear of the appeal property and its neighbours on Rollscourt Avenue and Dorchester Drive is relatively secluded with extensive vegetation between properties limiting views between them. Although the additional courses of brickwork would result in additional bulk and massing to the existing ground floor build-out, this element of the proposed extensions would be neither particularly noticeable nor disruptive to the rear elevation of either the appeal property or its adjacent neighbours.
8. What the appellant describes as glazed banisters would be glazed panels to act as balustrades. In the case of appeal A, the glazed panels would measure in the region of 1.5 metres in height above the top of the brick wall, and in appeal B the panels would measure in the region of 1.1m above the wall. In both instances, the glazed panels would be fitted with obscure glazing and whilst this would result in a different appearance to the glazing as if it had been clear, the glazed panels would nevertheless be relatively visually light-weight structures.
9. Thus, in the context of the cascading rear elevation of the appeal property, and of neighbouring properties with various outriggers and build-outs, the glazed panels and enclosed area would be neither incongruous nor intrusive. Any additional bulk and massing that would arise, which would be slightly greater in the case of the appeal A scheme than it would that of the appeal B scheme, would not be significant and the altered roof area would remain subordinate to the scale, bulk and massing of the outrigger at the rear of the appeal property. Neither the greater height of the appeal A scheme nor that of the appeal B scheme would cause harm to the character or appearance of the appeal property, neighbouring properties or the surrounding area.

¹ LPA Ref No: 24/00570/FUL – approved 9 May 2024

10. Policy Q11 of the Lambeth Local Plan (LLP) sets out the Council's approach to building alterations and extensions. With specific reference to roof terraces and balconies, LLP Policy Q11(M) states that proposals will be assessed against LLP Policy Q2. It also goes on to state that where a roof terrace would be lost as part of a roof extension, the re-provision of that space would be expected to meet the minimum requirements of LLP Policy H5.
11. LLP Policy Q2 sets out the approach to securing high quality development and the amenity criteria against which proposals will be considered whilst LLP Policy Q5 considers the effects of proposals upon local distinctiveness. For the reasons I have described, I am satisfied that the appeal schemes would not compromise visual amenity from adjoining sites, whilst visibility from public realm is limited. The proposed glazed panels would create a visually lightweight and subordinate structure and would retain the sense of hierarchy and cascading of built elements at the rear of the appeal property that exists as a consequence of the existing mix of outriggers and extensions. The addition of limited outdoor space to the first floor flat, which presently does not have access to such space, would also align with the provisions of LLP Policy Q2(vi) in providing outdoor amenity space. For these reasons, there would be no conflict with the aims and provisions of LLP Policies Q2, Q5 or Q11, or with the guidance set out by the Lambeth Design Guide Supplementary Planning Document (SPD).
12. I have noted the appellant's description of neighbouring properties and the manner in which some of the roof areas are being used. However, the Council state that the planning status of other roof terraces are not clear and should not be used as a basis for the justification of the appeal schemes. However, as I have found the appeal schemes to be acceptable in terms of their effects upon character and appearance for the reasons I have set out, the presence of other examples and the extent to which they may or may not be common, have not been determinative in my consideration of these appeals.

Living conditions

13. The second of the refusal reasons for each appeal scheme refers to concerns that the use of the roof area as a terrace would lead to an increase in noise and disturbance. The first floor flat does not currently benefit from any external amenity space and as the proposals would create outdoor amenity space for occupiers of the appeal property there would inevitably be a level of usage that is not currently the case and, thus potentially, noise and disturbance arising from its use.
14. However, set within a residential context, the use of outdoor areas for amenity space is not uncommon, whether at ground floor as gardens and yards, or in the form of roof terraces or balconies. The appeal site is surrounded by garden yards and gardens, which could reasonably be expected to provide space for outdoor uses.
15. In the case of the appeal proposals, the extent of the roof terrace area that would be created would be limited by the modest dimensions of the ground floor extension upon which it would be constructed and the steps down onto the terrace itself. It is likely therefore that the extent to which the terrace would be able to accommodate large gatherings of people would be limited and so too as a consequence, would the potential for noise and disturbance. Whilst I accept that the use of outdoor space in a roof top location would have a greater potential for

noise and disturbance than were it not to exist, I am not persuaded that the roof terrace proposed in the appeal schemes would be of a scale that would be likely to result in material harm to the living conditions of neighbours in an area where residential properties are already situated closely to each other.

16. LLP Policy Q2(v) and London Plan (2021) Policy D14 consider the effects of significant adverse noise impacts on amenities of local residents. The appeal property presently has no access to outdoor amenity space and thus the appeal schemes, in creating such outdoor amenity space, would result in the potential for an additional source of noise and disturbance. However, in the context of a residential environment where gardens and yards may already be used for outdoor amenity purposes I am not persuaded that a roof terrace of the scale and nature proposed would result in material harm to the living conditions of neighbouring occupants through noise and disturbance. As a consequence, there would be no conflict with the aims and provisions of LLP Policy Q2 or LLP Policy Q11 or London Plan Policy D14.
17. My attention has also been drawn to the provisions of a condition previously imposed upon the ground floor extension scheme which sought to restrict the use of this extension's flat roof area as a roof terrace, for siting [sic] out or other amenity space in the interests of the protection of 'the amenities' of adjoining occupiers. I have however considered the appeal schemes on their merits and, for the reasons I have set out, in so doing have given appropriate consideration to the amenities of occupiers of adjoining properties.
18. Although the Council's officer reports and appeal statements refer to other matters affecting amenity and living conditions such as privacy and overlooking, they do so only in passing, and do not translate into specific reasons for refusal in relation to either appeal scheme. I am satisfied however that with an appropriately worded condition to ensure that the development is carried out in accordance with the submitted plans, including the installation of the glazed panels as specified on the submitted plans, the appeal schemes would not harmfully affect living conditions of occupiers of neighbouring properties. Furthermore, although the panels proposed in appeal B would be lower than those of appeal A, I am satisfied that they would nevertheless be of sufficient height to intercept views when users of the roof terrace would be seated.

Conditions

19. I have considered the conditions suggested by the Council in the context of the National Planning Policy Framework and Planning Practice Guidance. The suggested time limit and plans conditions are necessary and reasonable in the interests of certainty and good planning, albeit that I have altered the plans condition to refer to the drawing numbers.

Conclusions

20. For the reasons set out, and having considered all other matters raised, I conclude that appeal A and appeal B should be allowed.

G Robbie

INSPECTOR

Schedule of Conditions

Appeal A

1. The development to which this permission relates must be begun no later than three years from the date of this decision notice.
2. The development hereby permitted shall be carried out in complete accordance with the following approved plans and drawings: Location Plan (date produced 03-Oct-2024); 01_Existing Floor Plan (25th June 2024); 02_Existing Elevations (25th June 2024); 04_Proposed Elevations (24th September 2024) and Proposed Options (24th September 2024).

Appeal B

1. The development to which this permission relates must be begun no later than three years from the date of this decision notice.
2. The development hereby permitted shall be carried out in complete accordance with the following approved plans and drawings: Location Plan (date produced 19-Feb-2025); 01_Existing Floor Plan (12th February 2025); 02_Existing Elevations (12th February 2025); 04_Proposed Elevations (12th February 2025) and Proposed Options (12th February 2025).

**** end of schedule ****