



Appeal Decision

Site visit made on 16 September 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 SEPTEMBER 2025

Appeal Ref: APP/N5660/W/25/3367469

137 Edgeley Road, Lambeth, London SW4 6HD

- 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 Ms Virginia Graham against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 24/00811/FUL.
 - The development proposed is replacement of the first floor rear roof terrace railings (retrospective).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development on the character and appearance of the host property and area, and;
 - whether the development has an adverse effect on the living conditions of neighbouring occupiers with regard to privacy.

Reasons

Character and appearance

3. The appeal site comprises an end-terrace consisting of two flats. The appeal property relates to the first-floor flat and has a first-floor roof terrace located to the rear which is not visible from public vantage points. However, due to the elevated position of the roof terrace it is highly visible from the rear of other properties within the terrace and from the rear of other properties located to the north and west.
4. Various alterations have taken place at the rear of properties within the terrace, including several properties that have had ground floor extensions. One of the extensions has been constructed at the ground floor flat below the appeal property. This has consequently led to an increased roof area which the appellant has sought to make use of by extending the roof terrace and erecting replacement railings.
5. Whilst there is some variation at ground floor, at the first floor, the flats exhibit a stronger consistency, with all the properties having small roof terraces and associated railings positioned at a consistent depth. This uniformity in depth contributes positively to the character and appearance of the terrace.

6. The replacement railings facilitates the use of the enlarged roof terrace. They are of a modern design, constructed in stainless steel. Given the variety of metal railing styles that I observed within the terrace, the modern design of the railings themselves do not have any material adverse effect on the character and appearance of the terrace. However, the position of the railings noticeably extend beyond the established position of railings and the depth of other first-floor rear roof terraces within the row. Consequently, they appear as an incongruous addition, highlighting the increased size of the roof terrace, at odds with the prevailing character and appearance of the rest of the terrace row.
7. For the reasons above, the replacement roof terrace railings, facilitating the enlarged terrace, have an adverse effect on the character and appearance of the host property and area. The development therefore conflicts with Policy Q5, Q8 and Q11 of the Lambeth Local Plan (2021) (LP). Together, these seek to ensure good design, that local distinctiveness is sustained and reinforced and that proposals respond positively to the local character in terms of relationship with other buildings and any group characteristics.
8. Policy Q2 of the LP has been cited on the decision notice in relation to this issue, however as this policy primarily relates to amenity I have not found it determinative on this main issue.

Living conditions

9. Immediately adjacent to the appeal property is the rear roof terrace at No 135 Edgeley Road (No 135). The position of the original railings and size of the original roof terrace at the appeal property would have allowed some overlooking into the outdoor amenity space at No 135. However, because of the shallow depth of the original roof terrace, views into the rear habitable room window of No 135 would have been very limited. The increased depth of the terrace now provides a comfortable opportunity for more extensive, direct views into the nearest rear window at No 135. I consider such views to be intrusive, and the terrace unacceptably compromises the privacy of the occupiers of this property.
10. Immediately to the north of the extended roof terrace are two large rooflights serving the ground-floor habitable room at No 139 Edgeley Road (No 139). While the original terrace would have allowed views down into one of the rooflights, the increased depth now allows views into the second rooflight, thus exacerbating the situation. Therefore, I find the increased depth has a materially harmful effect on the living conditions of these occupiers.
11. Although the increased depth of the roof terrace makes it possible to see into the rear habitable room window of the ground floor flat at No 133 Edgeley Road (No 133), any views are very limited and difficult to achieve due to the angle between the extended roof terrace and the ground floor windows of No 133. Therefore, I find that the living conditions of the occupiers at No 133 are not adversely effected.
12. The rear garden of No 77 Larkhall Rise (No 77) is located to the north of the roof terrace. Since the roof terrace does not extend any further north than the original roof terrace, there is no increase in overlooking into the private amenity space or rear habitable windows of this property.
13. To the west of the appeal site is the large rear garden of No 79 Larkhall Rise (No 79). Although the terrace now extends closer to the garden of No 79, it remains set

back from the boundary due to the garden of No 139. Any increased views from the roof terrace are directed towards the very rear of the garden and are filtered by mature vegetation and boundary fencing. Considering this, along with the large size of the garden and the distance of the roof terrace from the rear elevation of No 79, I do not consider the terrace has a detrimental impact on the living conditions of these occupiers.

14. In conclusion, whilst I have found that the development does not have a harmful impact on the living conditions of the occupiers at No 77, No 79 and No 133, the railings, facilitating the enlargement of the roof terrace, does have an adverse effect on the living conditions of neighbouring occupiers at No 135 and No 139 resulting in an unacceptable loss of privacy. The development therefore conflicts with Policy Q2 of the LP which seeks to ensure, amongst other matters, that development does not lead to an unacceptable loss of privacy.

Other Matters

15. The appellant has drawn my attention to the fact that no objections were received from neighbouring occupiers. However, this in itself does not make the development acceptable. Paragraph 135 of the National Planning Policy Framework explains that developments should promote health and well-being, with a high standard of amenity for future as well as existing users. Decision-makers have a duty to ensure that development proposals are appropriate, regardless of whether or not the current neighbours find them acceptable. The absence of objections does not therefore alter my findings.
16. I acknowledge that the increased roof terrace would afford the occupiers increased amenity space and would comply with the space requirements set out in Policy H5 of the LP. However, Policy H5 only applies to where new dwellings are being created, which this development is not. Even if Policy H5 were to apply, the supporting text to the policy at paragraph 5.32 explains that where terraces are provided they should be designed so they do not result in unacceptable loss of privacy to existing residential properties.

Conclusion

17. 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. The appeal is therefore dismissed.

T Bennett

INSPECTOR