



Appeal Decision

Site visit made on 27 November 2025

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

an Inspector appointed by the Secretary of State

Decision date: 20 January 2026

Appeal Ref: APP/N5660/W/25/3373636

30 Ferndene Road, Lambeth, London SE24 0AB

- 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 Henry Brendan Hayes against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 25/01406/FUL.
 - The development proposed was described as '*application for full planning permission for the renovation of the upper ground floor flat to include an extension into the rear garden and a basement extension below*'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.

Main Issues

3. The main issues are:
 - Principle of basement extension;
 - The effects of the proposed development upon character and appearance of the appeal property and the surrounding area;
 - The effects of the proposed development upon living conditions of occupiers of the extended appeal property, with particular regard to outlook, daylight and sunlight;
 - The effects of the proposed development upon living conditions of occupiers of neighbouring properties, with particular regard to noise and disturbance arising from proposed air-source heat pumps.

Reasons

Principle of basement extension

4. Lambeth Local Plan¹ (LLP) Policy Q27 clearly sets out the expectations of proposals (and their supporting documentation) for basement development schemes. Whilst supportive in its approach to such schemes, its criteria require an

¹ Adopted September 2021

application to demonstrate that there would be no unacceptable impacts arising with regard to subterranean ground water floor, land stability, surface water flow and flooding and in terms of vegetation.

5. In order to attempt to address the second reason for refusal, and in response to the comments of the Council's Building Control team regarding the initially submitted '*Basement Impact Assessment – 30 Ferndene Road SE24 0AB*'² (BIA), a further set of structural drawings were submitted with the appeal³. Whilst these provided additional clarity regarding the structural details of the foundation underpinnings and the basement construction itself, the shortcomings expressed in the reason for refusal regarding ground and surface water flows, drainage and land stability were not expressly addressed.
6. Although broad statements of compliance are set out within the BIA, there remains uncertainty with proposed drainage and limited justification in respect of conclusions regarding effects upon ground and surface water flows and land stability. It has not therefore been adequately demonstrated or substantiated that the proposal would avoid unacceptable harm in respect of the matters set out at LLP Policy Q27(D)(i) to (iii) and Q27(J)(i) to (iii).

Character and appearance

7. The appeal property is something of an outlier within a street of early 20th century detached and semi-detached dwellings with elevated outlooks across Ruskin Park. The appeal property is a more simply and plainly styled 1960's detached building with garages at lower ground floor with a flat at each of its ground and first floor levels. The building is set within a plot that rises steeply at first beyond the lower ground floor garages, then more gently across a modestly sized rear garden towards an adjacent bowling green. It is separated from it, and from neighbouring properties, by a boundary mix of trees, shrubs and hedging.
8. Because of the rising ground, the proposed basement extension would be almost completely subterranean and thus largely hidden from wider external view, albeit with the exception of the courtyard / lightwell and its retaining wall. The extension at upper ground floor would be more conventional in its appearance and levels and would be set at broadly the same level as the existing paved patio area.
9. The contemporary design of the proposed extension would feature extensive glazed elevations and result in a visually lightweight addition at the rear of the property. Neither it, nor the small porch extension at the side to facilitate revised access arrangements to the ground floor flat would be visually incongruous in the context of an otherwise relatively simple and modest property. Nor would the modest scale or form of the rear extension be incongruous or overly dominant when viewed in the context of the well-screened, modestly sized rear gardens or against the scale, bulk, massing and form of the appeal property and the buildings around it. From Ferndene Road itself, it would have very little, if any, visual presence and would not cause harm to the character or appearance of the street frontage.
10. The courtyard / lightwell and its retaining wall would add additional vertical walling elements, albeit at basement level but the garden plot's boundary vegetation and

² Sandstone Engineering – Date 18.04.25 Revision 01

³ Structural Drawings – 30 Ferndene Road SE24 0AB

enclosures would be sufficient to limit the wider visibility of this part of the proposal. The garden plot is of sufficient depth and width that neither the above ground extension nor the basement elements, either individually or cumulatively, would be visually harmful or result in a degree of clutter that would otherwise not normally or reasonably be expected within a residential setting.

11. For these reasons, the appeal scheme would not cause harm to the character or appearance of the appeal property or the surrounding area. It would not be a prominent, dominant or incongruous feature within the rear garden plot, or at odds with the prevailing character or appearance of neighbouring garden plots, whilst it would not be visible from Ferndene Road to any extent that would disrupt the pleasant rhythm and character displayed by the properties that front on to the road and look out across Ruskin Park.
12. The rears of properties at this point of Ferndene Road do not run directly in line with each other and so there is already a degree of variation in the immediate vicinity of the extension. The neighbouring property at No.28 is also angled slightly within its plot as Ferndene Road turns towards its junction with Herne Hill Road, whilst a single storey rear extension appeared to be in the process of construction at No. 32 at the time of my visit to the site. There is therefore no discernible repeating rhythm along the rears of properties along this particular stretch of Ferndene Road and thus the proposed extension would not stand out as an incongruous structure or disruptive feature in this context.
13. LLP Policies Q5, Q8 and Q11 set out the Council's approach to ensuring high quality developments that sustain and reinforce the local distinctiveness of Lambeth. To this end, proposals should provide appropriate responses to a range of factors including, patterns of space between buildings, built form, siting and relationship with other buildings, proposals are subordinate to and do not dominate the host building, proposals should not reduce amenity space to the extent that what is left is less than that required for that dwelling type. For the reasons set out, the proposed extension would not cause harm to the character or appearance of the appeal property or the surrounding area whilst the proposed extension would be of a contemporary design and appearance that would not jar with that of No. 30. There would be no conflict with the aims and provisions of LLP Policies Q5, Q8 or Q11 as a consequence.

Living conditions – outlook and daylight and sunlight

14. The above-ground elements of the proposed extension would be largely glazed and would serve a large open-plan living and circulation space that would extend from the side entrance door and leading through from the ground floor landing and stairwell to the kitchen / dining area / living area. This space would have an outlook to both the front and the rear of the property in north-westerly and south-easterly directions, respectively. I am satisfied that these areas would be well-let and would have sufficient outlook and access to both daylight and sunlight.
15. The basement area would accommodate two bedrooms and a bathroom. Although not submitted with the application, a '*Sunlight & Daylight Assessment*'⁴ (SDA) was submitted with the appeal in an attempt to rebut the third of the reasons for refusal.

⁴ '*Sunlight & Daylight Assessment: Internal Scheme Performance*' – Sunlight Assessments UK (18 August 2025)

16. The sunken courtyard to which the bedrooms would open out would be two metres in depth, with a retaining wall height in the region of 2.8 metres⁵. The courtyard would provide usable space, albeit on the limited side, and would be akin to a lightwell. The Council have not challenged the content of the SDA in respect of its conclusions regarding interior daylighting of the rooms or the sunlight exposure to of those rooms.
17. The SDA demonstrates that interior daylighting for the basement rooms would satisfy the BRE requirements. Whilst basement bedroom 2⁶ would fail the sunlight exposure test set out by the BRE requirements I am advised that greater importance is placed on exposure to sunlight for living rooms and conservatories, and less important in kitchens and bedrooms. Further, both basement bedrooms would satisfy the BRE requirements for interior daylighting.
18. Whilst I accept that the courtyard retaining wall would be close to the bedroom windows, and of considerable height, suitably painted in a reflective, light colour levels of light to the bedrooms would not be unacceptable. Nor do I consider the limited bedroom outlook to be sufficiently harmful to result in an unacceptable levels of amenity for occupiers, particularly given the open-plan and spacious nature of the main living space which would also be dual-aspect to front and rear elevations.
19. LLP Policies Q2, Q27 and H5 collectively seek to ensure that adequate outlooks are provided, overlooking avoided and that unacceptable impacts on daylight and sunlight also avoided. For reasons set out, I am satisfied that this would be the case and that there would be no conflict with LLP Policies Q2, Q27 or H5 in these respects.

Living conditions – noise and disturbance

20. As part of the appeal scheme, the appellant proposes to transition to an air-source heat pump to serve underfloor heating. Neither the location of the heat pump plant within the site nor its technical details were submitted with the application. The appellant has however subsequently confirmed its location and submitted very brief details about its noise emissions at the appeal stage to rebut the fourth of the reasons for refusal.
21. Whilst I have only very limited detail of the proposed air-source heat pump unit before me, and no details regarding ambient noise levels at, and in the vicinity of the appeal site, such heating plant is becoming more commonplace in residential settings. It would not therefore be unreasonable to expect such matters, including the detailed specifications of the plant and noise emissions from it, existing ambient noise levels and existing and proposed means of attenuating noise emissions, as well as the exact location of the plant, to be able to be satisfactorily dealt with by way of planning condition. Should the appeal succeed, subject to the imposition of such a condition, I am satisfied that the proposed development would not result in an adverse effect on the living conditions of occupiers of neighbouring properties, consistent with the aims and provisions of LLP Policy Q2.

⁵ Derived from drwg no: 'A115 Issue 1 – Proposed Section A-A' – taken from indicated proposed lower ground and upper ground floor levels

⁶ Lower ground R1

Conclusion

22. I am satisfied that the proposed extension would not be an inappropriate, incongruous or disruptive presence at the rear of the property. Rear gardens are spacious with generous vegetation around their perimeters such that intervisibility at the rear of properties is not common or widespread. The proposed extension's flat roof design and contemporary appearance would not therefore be out of place, either within the street or in the context of the appeal property. Nor, subject to the imposition of suitably worded planning conditions where necessary and appropriate, would the proposed extension result in substandard living conditions harmful to the amenities of either future occupiers of the extended property, or occupiers of neighbouring properties in terms of either outlook, daylight and sunlight, or noise and disturbance.
23. Nevertheless, whilst I find no harm in relation to these main issues, or conflict with the LLP in these respects, it has not been adequately or sufficiently demonstrated that the construction of the proposed basement would not adversely affect local ground conditions in terms of stability, ground and surface water flows. Nor, on the basis of the submitted evidence before me, does the additional information submitted during the course of the appeal regarding the basement construction provide sufficient clarity to lead me to reach a different conclusion to that reached by the Council. It has not therefore been sufficiently or adequately demonstrated that the proposed basement extension would accord with LLP Policy Q27. Although I find no other harm in respect of the other main issues, that absence of harm does not persuade me as to the acceptability of the principle of a basement extension.
24. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

G Robbie

INSPECTOR