

PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/04/2019 AND 30/04/2019

Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
18/01585/FUL	Refusal - Town Planning	11 Oakden Street London SE11 4UQ	Erection of a single storey side/rear extension creating an enclosed courtyard and reconfiguration of the lower ground floor including creation of new entrance doorway from existing hall and the conversion of a bedroom to en-suite bathroom and storage to ground floor flat.	Delegated Decision	Refuse Permission	02.04.2019	Appeal Dismissed

The Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the area and the Walcot Conservation Area (WCA).

The Inspector referenced the draft Walcot Conservation Area Character Appraisal, and observed that it recognises that the rear of properties are also an integral part of the WCA making a positive contribution to its character with *“consistent design and the rhythms produced by repetitive patterns”*. The Inspector considered that by extending across the entire width of the property and protruding beyond the end of the existing corner of the original building, the legibility of the original property would be reduced. It was concluded that the extension would not be subordinate to the original dwelling and would therefore cause harm to the heritage asset.

The appellant disputed that the extension is ‘wrap-around’. On this point the Inspector determined that the extent of the projection at the end beyond the original outrigger, notwithstanding that some form of later projection currently exists, combined with the infill to the side would amount to a ‘wrap-around’ extension as described and shown in paragraphs 3.7 and Fig 4 of the Council’s Building Alterations & Extensions SPD.

For the above reason the Inspector went on to dismiss the appeal.

18/01864/FUL	Refusal - Town Planning	31 Fieldhouse Road London SW12 0HL	Erection of rear mansard roof extension together with the installation of 2 rooflights to the front elevation.	Delegated Decision	Refuse Permission	04.04.2019	Appeal Allowed
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The Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the area.

In respect of the proposed rooflights the Inspector observed that there are numerous rooflights in pitched front facing roofs in Fieldhouse Road and surrounding roads. On this basis it is reasonable for the appellant to be able to introduce similar features which are well related to the host building as in this case. The Inspector raised no objection to the rooflights as he considered them to be longstanding features within this part of the Hyde Farm CA and are seen as subordinate to the existing structures as required by policy Q11(b).

In respect of the proposed mansard roof extension the Inspector noted the guidance in the Council’s Building Alterations and Extensions SPD relating to extensions in conservation areas. This guidance identifies that extensions should be subordinate and well related to the original building. He commented that in most cases the visual impact of a roof extension will be significantly lessened if the extension is not visible from the roadside and does not change the line of the roof when viewed from the road. The optimum use of the roof space for

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additional accommodation in housing localities like Fieldhouse Road has been found to allow the rear part of the main roof to be raised as close as possible to the ridge and enclose the space at the second floor with a mansard roof. The Inspector considered that this type of extension is acceptable in this case and that it is in accordance with the overall objectives of policy Q11. The mansard design as proposed will only be viewed from limited parts of the conservation area and not viewed at all from the road at the front. The appeal property and adjoining properties have long outrigger which considerably restrict views from the rear. There are now a number of such mansard roof extensions in the conservation area and it is clear that these have become part of the character of the houses locally.

For these reasons the Inspector went on to allow the appeal.

17/06130/FUL	Refusal - Town Planning	1 Atkins Road London Lambeth SW12 0AA	Change of use from C3 single family dwellinghouse into Sui Generis HMO.	Delegated Decision	Refuse Permission	04.04.2019	Appeal Dismissed
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The Inspector considered the main issue to be whether the development would meet the housing need in the locality.

The Inspector noted that Local Plan policy H9 relates to the provision of houses in multiple occupation. He commented that sizes of individual rooms have to be suitable as well as specified facilities, and noted that there are two units proposed which appear to be below acceptable space standards set out in Lambeth's document entitled Houses in Multiple Occupation Standards. For this reason the Inspector concluded that the proposal does not accord with the requirement in policy H9 whereby the accommodation must be suitable for the intended occupiers.

Furthermore, the Inspector noted that policy H9 indicates that applications of this type must demonstrate that the accommodation would meet an identified local need. The Inspector commented that there was no evidence before him to demonstrate that a local need for HMOs exists to a greater extent than the need for family houses and without this the proposal does not comply with a significant requirement of policy H9.

Having noted the Council's concern in relation to car parking the Inspector considered that parking in the road might be intensified, noting that the site is located within a CPZ. In the absence of an undertaking to address this problem the proposal was considered unacceptable in transport terms.

For the above reasons the Inspector went on to dismiss the appeal.

18/00578/FUL	Refusal - Town Planning	27 Bromell's Road London SW4 0BN	Erection of a single storey rear extension to ground floor flat.	Delegated Decision	Refuse Permission	04.04.2019	Appeal Dismissed
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The Inspector considered the main issues to be the effect of the proposed development on (i) the character and appearance of the area (making specific mention to the Clapham Conservation Area) and (ii) the living conditions of adjoining neighbours. The appeal was submitted against the refusal of planning permission for a wraparound extension at the appeal site. This extension would be located to the side and rear of the rear projecting element of the property (the outrigger).

On the first issue the Inspector noted that the Council's Building Alterations & Extensions SPD has been prepared as guidance for those intending to alter or extend their properties. It was informed by Lambeth Local Distinctiveness Study (2012) and a period of public consultation in 2015. The Inspector noted that the proposed extension would stretch to both side boundaries and project 3m into the garden. It is designed to wrap around the outrigger and enclose a small courtyard. The Inspector concluded that it would be contrary to policy Q11 which seeks to maintain spaces alongside boundaries. It would fail to be subordinate to the host building and would not positively reflect the original architecture through the roof forms and the massing of the proposed extensions.

On the second issue, the Inspector outlined that the proposed development would fail to maintain space along the boundaries, and would result in a 3.25m high wall immediately adjacent to the neighbouring gardens. This would result in a loss of openness to the neighbouring properties; particularly when considering that policy Q15 seeks to maintain a 2m height along garden boundaries. Consequently, the Inspector found that there would be an unacceptable impact on the living conditions of neighbouring occupiers.

For the above reasons the Inspector went on to dismiss the appeal.

18/00835/FUL	Refusal - Town Planning	202 And 204 Kennington Park Road London SE11 4BT	Erection of a fifth floor to provide an additional 3 bed penthouse apartment (Use Class C3).	Delegated Decision	Refuse Permission	04.04.2019	Appeal Allowed
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The Inspector considered the main issues to be (i) whether it is necessary to provide a contribution towards affordable housing and (ii) the effect of the proposed roof extension on the character and appearance of the area.

On the first issue, the Inspector saw the dispute as a disagreement over what policies should take precedent. Noting that the Lambeth Local Plan (LLP) is not in conformity with Paragraph 63 of the NPPF, which states *that 'provision of affordable housing should not be sought for residential developments that are not major developments'*, the Inspector attributed greater weight to the NPPF given that the amended document is more recent than the LLP and represents a national approach to affordable housing on small sites. As such, the Inspector found that an affordable housing contribution should not be sought on this site.

On the second issue, the Inspector acknowledged that the proposal would be highly visible from the surroundings; however noted the broad range of distinctly different characteristics of the surrounding buildings. Finding the curved roof design to be visually lightweight, interesting and appropriate to the host building, the Inspector found the design to comply with Policy Q11 of the LLP.

In respect of the Council's other reasons for refusal, the Inspector

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- accepted the findings of a daylight/sunlight report submitted by the appellant in respect of concerns about residential amenity to a fourth floor flat, thereby addressing the third reason for refusal;
- accepted a unilateral undertaking to restrict future occupiers from applying for car parking permits, thereby addressing the fourth reason for refusal; and
- considered that conditions could be imposed to address the Council's concerns in respect of energy efficiency and sustainability, thereby addressing the fifth reason for refusal. These comprised of conditions for a method of construction statement, cycle parking provision, an energy strategy, restriction on water consumption and Secured by Design.

The Inspector went on to allow the appeal.

18/03805/FUL	Refusal - Town Planning	6 Mortimer Close London SW16 1AQ	Erection of a part single storey and part 2 storey rear extension.	Delegated Decision	Refuse Permission	10.04.2019	Appeal Dismissed
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The Inspector considered the main issue of this appeal to be the effect of the proposal on the character and appearance of the host building and the surrounding area. The application site is located within a cul-de-sac of similar properties situated around a green space and backs onto a railway line.

From site visit observations the Inspector noted that there is cohesiveness to properties that form the cul-de-sac and that creates a group which in turn creates a strong sense of place.

The Inspector noted that the Council raised no issue with the ground floor extension and concurred with this finding. However, the Inspector commented that the depth at first floor level coupled with the design of the roof form of the proposal would make it stand out as a dominant and discordant feature. Paragraph 11 of the appeal decision notes *'Whilst other properties have single storey extensions, this would be far the largest addition at first floor level. The design and roof form bears little relationship with the host building or anything else around it and its shallow form would serve to emphasise its incompatibility with the property. In my view this element would be out of character with the host building and the group of which it forms part'*. It was concluded that the proposal would harm the character and appearance of the host building and surrounding area contrary to Local Plan Policies Q5 and Q11 and the SPD.

Of note is a representation made by the appellant in respect of the need for the extension due to the health condition of a family member. The Inspector provided the following response:

"I have paid careful and full regard to evidence put forward about the appellant's mother, including the occupational therapy assessment, and the need for the extension. Whilst I have empathy with this situation, it is seldom that circumstances of this nature outweigh planning considerations from development, which is permanent and long term".

In light of the above, the appeal was dismissed.

17/05799/LDCP	Certificate 4 Lawful Development	25 Lewin Road London SW16 6JZ	Application for a Certificate of Lawful Development (Proposed) with respect to the erection of a roof extension above the rear	Delegated Decision	Refuse Permission	01.04.2019	Appeal Dismissed
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Appeal

return.

The Inspector considered the main issue to be whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (GPDO). The proposed works comprised the enlargement of the building by altering the existing dual-pitched roof of the first floor structure and creating a new structure over.

The Inspector considered the enlargement as built to be a 'hybrid' of a typical dormer and a vertical extension between first and second floors of the building. Irrespective of whether or not the works are referred to as a 'loft extension' or a 'second floor extension on top of the existing first floor extension', the Inspector concluded that they do not strictly comply with all the conditions and limitations of Class B of the GPDO and there is no flexibility in relation to the application of the permitted development criteria.

On this basis the Inspector concluded that the appeal must fail and a Lawful Development Certificate could not be issued.

18/00984/FUL	Refusal - Town Planning	Land Adjacent To 2-4 Lilford Road London	Erection of a single storey 2 bedroom house with the provision of refuse and recycling storage and cycle storage.	Delegated Decision	Refuse Permission	10.04.2019	Appeal Dismissed
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The Inspector considered the main issues of this appeal to be (i) the effect of the development on a protected tree, (ii) whether the development would provide suitable living conditions for future and nearby occupiers in relation to cycle and bin storage and the proposed roof terrace and (iii) whether, if necessary, the proposed development would make adequate provision for affordable housing and car free housing.

On the first issue the Inspector noted the measures detailed in the submitted Arboricultural Method Statement to protect the trees including the use of a tree protection barrier, use of hand tools for demolition close to the tree, hand excavation of the materials around the tree and the use of porous material around the tree. The Inspector observed that the whole of the appeal site is currently covered with tarmac, with runs to the base of the trunk of the tree. There was limited evidence to demonstrate that an acceptable level of percolation would occur to ensure the continued health and integrity of the tree (if the site was to remain as is). The Inspector considered that the proposed development would provide better on-site conditions for the tree and remove the expanse of hardstanding covering the roots. As such he was of the view that the tree would be retained and suitably protected, and the character and appearance of the Minet Estate Conservation Area would be preserved as a result of its retention.

On the second issue the Inspector considered that the parapet wall and raised planters to the roof terrace would provide a reasonable degree of screening, whilst also noting that nearby properties are set a reasonable distance from the appeal site. Consequently, whilst there would be some degree of visibility between the roof terrace and neighbouring properties, this would not be to a level that would be unduly harmful to neighbouring and future residents in terms of outlook, and actual or perceived loss of privacy.

The Inspector noted that the cycle and bin stores in the front courtyard would be visible, but that a suitable method for screening could be provided which would mitigate any visual impact from the property.

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On the third issue the Inspector noted the restriction on affordable housing contributions from small sites detailed within paragraph 63 of the NPPF, but acknowledged that local circumstances may justify a different approach. As part of its appeal submission the Council supplied evidence of exceptional local affordable housing need and its subsequent reliance on contributions from small sites to meet affordable housing delivery targets. Having considered the evidence before him from the Council, the Inspector concluded that its requirements for affordable housing contributions in relation to the proposed development were fully justified and necessary. Although a material planning consideration, the NPPF and other guidance would not outweigh the requirements of Local Plan policy H2.

In respect of the Council's requirement for restrictions on parking permits and membership of a car club, the Inspector found that these are supported by Local Plan policies T1, T6 and D4 and London Plan policies 6.3 and 6.12. It was determined that the requirements for the above contributions are reasonable and meet the relevant tests, and that a Unilateral Undertaking submitted by the appellant satisfactorily addresses these issues.

The Inspector considered that the appeal site makes a negative contribution to the Minet Estate Conservation Area and the development would remove the negative contributor and would enhance the character and appearance of the Conservation Area.

The Inspector concluded that although the proposal would remove a negative contributor to the Conservation Area, the benefits would not outweigh the lack of an affordable housing contribution and went on to conclude that the appeal should be dismissed solely for this reason.

18/00232/FUL	Refusal - Town Planning	34 Groveway London SW9 0AR	Demolition of existing 2 storey dwelling (Class C4) and erection of a 3 storey building with a basement and front lightwell to provide 4 residential units (Class C3), together with private and communal amenity space, refuse and cycle stores. (Town Planning and Listed Building consent application ref: 18/00233/LB received). DEPARTURE FROM DEVELOPMENT PLAN	Delegated Decision	Refuse Permission	09.04.2019	Appeal Dismissed
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The Inspector considered the main issues of this appeal to be (i) the effect of the development on the provision of family homes in the area, (ii) whether the development would preserve or enhance the character and appear of the Stockwell Park CA, (iii) whether the development would provide suitable living conditions for future occupiers, (iv) the effect of the development on the living condition of neighbouring occupiers, and (v) whether, if necessary, the proposed development would make adequate provision for affordable housing and car free housing.

On the first issue of provision of family homes in the area, the Inspector considered that although the scheme proposed the demolition of a dwellinghouse, the fact that the building was in use as a small HMO (Use Class C4) meant that Local Plan policy H9 (Hostels and houses in multiple occupation) had more relevance to the assessment than Policy H6 (Residential conversions). In addition as a result of the scheme proposing a mix of unit sizes, including a family sized (3-bed) unit, the scheme would provide a good mix of accommodation. The Inspector considered that although Groveway is a street under conversion stress the proposal would accord with policy H9 as the scheme would result in a better standard of

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accommodation and would not result in an unacceptable loss of family accommodation in the area.

On the second issue, the Inspector considered that the existing building was a negative contributor to the Stockwell Park Conservation Area and stated that although the design detailing of the proposed building would not exactly replicate the surrounding dwellings it would represent a significant improvement over the appearance of the existing building on the site.

On the third issue, the Inspector considered that it was not reasonable to consider a unit as duplex unit when all of the accommodation is on one floor and the internal staircase is the only element that would lead to the floor above. The Inspector considered that the quality of accommodation proposed by the scheme would accord with the National Described Space Standards, the London Plan and Lambeth Local Plan.

On the fourth issue, the Inspector found that the proposed roof terrace would be contrary to the objectives of policy Q2 and although the appellant had provided alternative drawings omitting the roof terrace, the Inspector considered that it would be prejudicial to the LPA and other statutory consultees to take this into account.

On the fifth issue, the Inspector noted the restriction on affordable housing contributions from small sites detailed within paragraph 63 of the NPPF, but acknowledged that local circumstances may justify a different approach. As part of its appeal submission the Council supplied evidence of exceptional local affordable housing need and its subsequent reliance on contributions from small sites to meet affordable housing delivery targets. Having considered the evidence before him from the Council, the Inspector considered their requirements for affordable housing contributions in relation to the proposed development were fully justified and necessary. Although a material planning consideration, the NPPF and other guidance would not outweigh the requirements of Local Plan Policy H2. In the absence of a legal agreement the Inspector concluded that the proposal failed to comply with Local Plan Policy H2 and London Plan policy 3.13.

In respect of the Council's requirement for restrictions on parking permits and membership of a car club, the Inspector found that these are supported by Local Plan policies T1, T6 and D4 and London Plan policies 6.3 and 6.12. It was determined that the requirements for the above contributions are reasonable and meet the relevant tests, and that a Unilateral Undertaking submitted by the appellant satisfactorily addresses these issues.

In light of the above, the appeal was dismissed.

18/02578/FUL	Refusal - Town Planning	11 Pinfold Road London SW16 2SL	Erection of a hip to gable with the erection of a rear roof extension and installation of one front roof light to flat C.	Delegated Decision	Refuse Permission	25.04.2019	Appeal Dismissed
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The Inspector considered the main issue to be the effect of the proposed gable-ended roof extension and front rooflight on the character and appearance of the area. The Inspector noted that Pinfold Road is typified by semi-detached pairs of three-storey dwellings, with characteristic hip-ended roofs.

On this issue, the Inspector considered that the proposed changes would create an imbalance with the neighbour (No. 9) due to the loss of the distinctive roof plane symmetry. Given the building's prevailing design and form, the introduction of such an uncharacteristic alteration would be incongruous within the general streetscene.

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In respect of the rooflight, the Inspector considered that where evident on Pinfold Road such features are generally smaller in size and more sympathetically positioned. Thus the large rooflight proposed would be untypical. He concluded that the appeal proposal would materially conflict with policies Q5, Q11 and the SPD, which require proposals to respond positively to local distinctiveness and seek to maintain existing architectural integrity.

For these reasons the Inspector went on to dismiss the appeal.

18/04381/FUL	Refusal - Town Planning	112 Effra Parade London SW2 1PR	Erection of timber decking and glazed balustrades (including privacy screen) to an existing flat roof on single storey rear extension to be used as a roof terrace.	Delegated Decision	Refuse Permission	30.04.2019	Appeal Allowed
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The Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the host building and the surrounding mainly residential area.

The Inspector noted the proposed enclosure would be constructed in frosted glass with a lightweight aluminium frame, and would project just over 3.5m from the rear elevation of the main rear wall of the building, enclosing about 25% of the total area of the flat roof. It was observed that the enclosure would not project as far to the rear as the existing bamboo, trellis and plastic foliage which acts as a screen on the boundary between the appeal site and No 82a Railton Road. The Inspector considered that it would be less visibly intrusive, but noted the Council's contention that this screen is unlawful, and therefore, in the absence of any lawfulness being established, attached no weight to the existing screen as a fallback position.

However, the Inspector considered that the use of glass would give the structure a lightweight appearance, which would not significantly affect the character of the building and would not distract from the only locally distinctive feature, the butterfly roof. Moreover, the only public viewpoint is from a narrow gap along Railton Road, where the butterfly roof is partly obscured by the rear projection at No 82a Railton Road. Views of the rear terrace are in any event dominated by the uncharacteristic enclosed staircase. In such circumstances, the Inspector was satisfied that the proposal would not result in material harm to the appearance of a locally distinctive building, or that of the wider area.

The Inspector went on to allow the appeal.

18/03872/FUL	Refusal - Town Planning	4 Wilkinson Street London SW8 1DB	Erection of a rear extension to the first floor outrigger.	Delegated Decision	Refuse Permission	26.04.2019	Appeal Allowed
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The Inspector considered the main issues of the appeal to be (i) the effect of the proposal on the character and appearance of the host building and the Albert Square Conservation Area and (ii) the living conditions of the residents of 6 Wilkinson Street.

On the first issue the Inspector noted that the rear of the terrace was designed with part two storey, part single storey rear returns. The proposal would result in the appeal properties

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original rear return becoming wholly two storey. The Inspector noted that in the context of the host building, the proposed extension would match the height and width of the existing first floor element and as such, the proposed extension to the rear return would be subordinate, with its design and detailing appropriate for the context. The Inspector noted that the uniformity of the rear of this end of the terrace has already been eroded noting the extensions located at the adjacent property of 2 Wilkinson Street. The Inspector concluded that the proposed extension would not give rise to harmful visual consequences and would not materially affect the property, its surroundings nor would it impact on the Conservation Area.

On the second issue, the Inspector noted that the proposed extension would not impact on the living conditions of the residents of 6 Wilkinson Street, further noting that the only affected window was of a sufficient distance that the amount of sunlight and daylight entering it would not be materially affected.

For these reasons the Inspector went on to allow the appeal.

18/05070/FUL	Refusal - Town Planning	13 Grafton Square London SW4 0DQ	Replacement of 3 rear roof lights and installation of 2 new roof lights to the front elevation.	Delegated Decision	Refuse Permission	26.04.2019	Appeal Allowed
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The Inspector considered the main issue to be the effect of the roof lights on the character and appearance of the host property and the Clapham Conservation Area.

The Inspector's decision references the requirement of Local Plan Policy Q11 that on locally distinct building types (including heritage assets) rooflights will normally be resisted on prominent roof pitches, where considered appropriate they should be small in size and aligned with the windows on the elevation below. The Inspector noted the presence of other roof lights on the front of properties comprised within the terrace. It was also observed at the site visit that although the trees around the square provide effective screening from many potential vantage points, the roof lights can be seen from some points within the square, notably from within the central open space. However, the Inspector stated that the fact that the roof lights can be seen does not render them conspicuous.

The Inspector concluded that the roof lights have not materially affected the character or appearance of the host property or its surroundings. At worst, their visual impact on the CA is neutral, thus preserving its character and appearance. Accordingly, no material conflict arises with those provisions of Local Plan policies Q11 and Q22 directed to the need for good design and the protection of the Borough's conservation areas.

In light of the above, the appeal was allowed.

	Allowed	Dismissed	Mixed
Month total	5	8	0
Financial year to date	5	8	0