

## PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/11/2016 AND 30/11/2016

Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
15/06834/FUL	Refusal - Town Planning	56 Hanover Gardens London SE11 5TN	Removal of existing two storey rear return extension and erection of larger two storey rear timber clad extension.	Delegated Decision	Refuse Permission	24.11.2016	Appeal Dismissed

The main issues for consideration with this appeal were 1) the impact of the proposal on the amenity of the neighbouring property, and 2) the impact on the character and appearance of the host building and the wider St Marks Conservation Area.

On the 1st issue, the Inspector commented that the proposal would result in substantial bulk to the side elevation adjacent to No. 57, and the combined depth and height would cause an unacceptable sense of enclosure to No. 57. Furthermore, the Inspector commented that the increase in bulk is likely to materially lessen the amount of visible sky seen from, and natural daylight to, both the basement and private area of outdoor amenity space of No. 57. On this basis, the Inspector upheld this reason for refusal.

On the 2nd issue, the Inspector commented that although the rear elevations of these properties have some degree of uniformity, these have been varied by later basement and ground floor rear additions at Nos. 56-58. The proposed extension is considered to remain subservient to the dwelling as a whole, and while timber is not a predominant material within the local context, it is considered to bring a degree of simplicity to the proposed development, and as a result would not appear incongruous or dominant. For these reasons, the Inspector considered that there would not be unacceptable harm to the character and appearance of the host building or the wider conservation area.

Overall, the Inspector dismissed the appeal on amenity grounds.

16/03598/FUL	Refusal - Town Planning	5 Rymer Street London SE24 0NQ	Erection of a first floor extension including some demolition and internal remodelling.	Delegated Decision	Refuse Permission	29.11.2016	Appeal Allowed
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The Inspector considered the main issues of this appeal to be (i) character and appearance of the host property and its surroundings and (ii) the living conditions of the residents of No.7 Rymer Street with particular reference to daylight and enclosure.

On the first issue the Inspector considered the first floor level extension to be of a modest scale, being wholly subordinate to the scale of the host property, which is three storey. It was noted that flat roofed structures are not an uncharacteristic feature of rear protrusions in the locality, and this would not be the first extension built at first floor level. It was further noted that the appeal property's rear elevation is very well screened from wider views by existing properties on Dulwich Road to the south, by those on Hurst Street to the west and on Railton Road to the north. The extension would therefore have no noticeable impact on the public realm.

On the second issue the Inspector noted the window cited in the officer report was in fact a glazed door leading from a half-landing on No 7s staircase providing access to the roof terrace. Since the glazing does not serve a habitable room, but circulation space, the Inspector considered the Council's concerns to be misplaced. Accordingly, there is no conflict with those provisions of LP policy Q2 designed to protect neighbouring residents from any harmful effects of development. The inspector went on to allow the appeal.

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Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
16/03599/FUL	Refusal - Town Planning	5 Rymer Street London SE24 0NQ	Erection of first floor glazed box rear extension	Delegated Decision	Refuse Permission	29.11.2016	Appeal Allowed

This second appeal also relates to a first floor rear extension of similar scale and design, albeit with a different external material.

The Inspector considered the main issues of this appeal to be (i) character and appearance of the host property and its surroundings and (ii) the living conditions of the residents of No.7 Rymer Street with particular reference to daylight and enclosure.

On the first issue the Inspector considered the first floor level extension to be of a modest scale, being wholly subordinate to the scale of the host property, which is three storey. It was noted that flat roofed structures are not an uncharacteristic feature of rear protrusions in the locality, and this would not be the first extension built at first floor level. It was further noted that the appeal property's rear elevation is very well screened from wider views by existing properties on Dulwich Road to the south, by those on Hurst Street to the west and on Railton Road to the north. The extension would therefore have no noticeable impact on the public realm.

On the second issue the Inspector noted the window cited in the officer report was in fact a glazed door leading from a half-landing on No 7s staircase providing access to the roof terrace. Since the glazing does not serve a habitable room, but circulation space, the Inspector considered the Council's concerns to be misplaced. Accordingly, there is no conflict with those provisions of LP policy Q2 designed to protect neighbouring residents from any harmful effects of development. The inspector went on to allow the appeal.

16/02043/FUL	Refusal - Town Planning	61 South Croxted Road London SE21 8BA	Formation of a vehicular means of access for the parking of a motor vehicle.	Delegated Decision	Refuse Permission	29.11.2016	Appeal Dismissed
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The Inspector considered the main issues of this appeal to be the effect of the proposal on (1) the character and appearance of the host property and its surroundings and (2) on highway safety. Interestingly the Inspector referenced a recent appeal decision involving a similar proposal and gave it due weight in the appeal consideration.

On the first issue the Inspector noted the appellant's reference to existing precedents in the area for vehicle crossovers. However, the Inspector stated that where front gardens have been cleared to create parking spaces, they detracted from the street scene and would not contribute positively to local visual amenity. A material conflict arises with Policy Q2 which requires that visual amenity should not be unacceptably compromised by development.

On the second issue the Inspector considered that vehicle movements into the front forecourt were likely to occur in a forward gear, thereby necessitating a reversing manoeuvre onto the busy carriageway when exiting the driveway. The Inspector acknowledged that these movements may be limited in number during the day and would take place at low speed, but the level of risk involved in a busy highways remains unacceptable. The proposal was considered contrary to Policy T6 by reason of an unacceptable level of risk affecting the safety of highway users. The Inspector went on to dismiss the appeal.

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Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
16/03345/FUL	Telecomms Appeal Refusal	2 Rollscourt Avenue London SE24 0EA	Erection of single storey side extension and reinstatement of crossover.	Delegated Decision	Refuse Permission	15.11.2016	Appeal Dismissed

The inspector considered the main issues of this appeal to be (1) the effect of the proposed parking space on the safety of pedestrians and other users of the highway and (2) the effect of the proposals upon the character and appearance of the area.

On the 1st issue the Inspector noted the proposed parking space would have a harmful effect upon pedestrian safety although would not be unsafe for other users of the highway. This would not comply with Policy T6 of the Lambeth Local Plan 1 (LP).

On the 2nd issue the Inspector noted that the proposed extension would have an acceptable impact upon the character and appearance of the area that would comply with LP Policies Q5, Q7, Q8 and Q11.

The Inspector concluded that the proposal would enable the redevelopment of a building and wall that are in a poor state of repair as well as making better use of an underutilised part of the appellant's garden. However, this does not outweigh the harmful effect upon pedestrian safety and the Inspector went on to dismiss the appeal.

16/03939/FUL	Refusal - Town Planning	2 Archbishop's Place London SW2 2AJ	Erection of a ground floor single storey rear/side infill extension together with the the erection of a rear dormer.	Delegated Decision	Refuse Permission	15.11.2016	Appeal Allowed
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The Inspector considered the main issues of this appeal to be whether the proposals would preserve or enhance the character or appearance of the Rush Common Conservation Area (CA).

On this issue the Inspector noted that the proposed wrap around rear extension at ground floor level would be low down and the upper part of the existing rear projection would remain unaltered. The modern design approach and use of large folding glazed doors would contrast with the traditional qualities of the existing dwelling. Any increase in horizontal emphasis in built form would not dominate the structure and would not be prominent.

It was acknowledged that the rear dormer would be positioned centrally and therefore not align with the windows below. Whilst this was contrary to the adopted SPD, the Inspector remarked that the rear elevation is dominated by the 2 storey projection and there is no clear symmetry to the window alignment.

The Inspector concluded that the proposals would respect and reinforce the established positive, distinctive characteristics of the area. In relation to the first main issue the proposals would preserve the character and appearance of the CA. This would comply with Policies Q5, Q11 and Q22 of the Lambeth Local Plan. The Inspector went on to allow the appeal.

16/02668/FUL	Refusal - Town Planning	118 Glennie Road London SE27 0LU	Erection of a single storey ground floor rear extension	Delegated Decision	Refuse Permission	15.11.2016	Appeal Dismissed
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The Inspector considered the main issues of the appeal to be (1) the effect of the proposals upon the character and appearance of the area, particularly the street-scene along Egremont Road that backs onto the site and (2) the effect of the extension upon the living conditions of the occupiers at the existing dwelling with respect to the size and quality of available amenity space.

On the 1st issue the Inspector noted that the proposal would have a harmful impact upon the character and appearance of the area and street-scene along Egremont Road. This would not comply with Policies Q2, Q8 and Q11 of the Lambeth Local Plan2 (LP).

On the second issue the Inspector noted that the extension would not have an unacceptable impact upon the living conditions of the occupiers at the existing dwelling. This would not breach LP policy Q2.

The Inspector concluded that the second main issue would not outweigh the concerns in relation to the first and as such the appeal was dismissed.

16/02172/FUL	Refusal - Town Planning	16 Mount Ephraim Road London SW16 1NG	Retrospective application for a single storey ground floor rear extension.	Delegated Decision	Refuse Permission	16.11.2016	Appeal Allowed
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The Inspector considered the main issues of this appeal to be whether the effect of the proposal upon the living conditions of the occupiers at Nos. 14 and 18 Mount Ephraim Road with respect to light, outlook and privacy. The second is the effect of the proposals upon the character and appearance of the site and surrounding area.

On the matter of neighbour amenity, owing to the fact that the extension is off-set from the boundary with No 14 by the width of a path and there is also a substantial boundary wall between the site and that neighbouring dwelling. The high blank wall of the extension stands up much higher than the boundary wall. There is some enclosing effect upon the occupants of that dwelling when within the garden area. However, the Inspector concluded that this would have a significantly adverse impact. Furthermore, as for No.18, the additional bulk is limited on this boundary, and would not compromise neighbouring amenity.

With regard to design, the Inspector concluded that whilst the proposed extension appears to be deeper than some of the other permitted extensions in the area. However, the upper floors of the property are clear to see and given the large size of the dwelling, it can visually accommodate the extension without it dominating, overwhelming or appearing disproportionate to the overall building. The proposal would not undermine the local distinctiveness of the area.

16/04071/FUL	Refusal - Town Planning	59 Hydethorpe Road London SW12 0JE	Erection of a ground floor single storey rear infill extension with four rooflights.	Delegated Decision	Refuse Permission	16.11.2016	Appeal Allowed
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The Inspector considered the main issues of this appeal to be the effect of the proposals upon the character and appearance of the dwelling and surrounding area. The second is the effect of the proposal upon the living conditions of the occupiers at No 57 Hydethorpe Road with respect to outlook.

With regard to character and appearance, the Inspector noted that the glazing incorporated integrally within the proposed structure would help the extension appear visually lightweight.

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This would help to ensure that the return would retain visual primacy, which is supported by the Councils SPD. Furthermore, whilst it was accepted that the structure would extend into the rear garden but a reasonable amount of space would be retained for occupants. This would prevent the building visually dominating the site. The extension would be subordinate to the return and the main part of the dwelling.

In terms of the neighbouring living conditions, the Inspector concluded that the proposed extension would enclose the gap immediately at the rear of No 57 a little more than a normal garden boundary. However that area is already enclosed due to the 2 storey return being not far from the boundary, whilst much of the proposed extension would be beyond the return and where there is more space at the rear of both properties. As such, it was considered that the proposal would not be a dominating structure and would not harm the visual amenity for the adjoining residents.

Appeal Allowed

16/03013/FUL	Refusal - Town Planning	53 Leppoc Road London SW4 9LS	Erection of a single storey ground floor rear and side infill extension together with a first floor rear extension with the formation of a balcony (amended description).	Delegated Decision	Refuse Permission	25.11.2016	Appeal Allowed
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The Inspector considered the main issues of this appeal to be (1) privacy and noise impacts on neighbouring occupiers and (2) impacts on the character and appearance of the host property and the area.

On the 1st issue the Inspector noted that views into the nearest first floor habitable window of the neighbouring property could be achieved from the terrace. However, the erection of 1.7m privacy screens would prevent this. The Inspector stated that no additional views into neighbouring gardens could be achieved beyond those afforded by the existing fenestration to the first and second floor of the host property. With regard to noise, the Inspector stated that owing to the size and residential nature of the property it would not give rise to significant appreciable noise or disturbance.

On the 2nd issue, the Inspector noted that there are existing roof terraces in the vicinity of the site and that they either do not benefit from planning permission or were granted under a different policy context. Nonetheless, the Inspector noted that they are features that make up the character and appearance of the area. The Inspector stated that the privacy screens and railings would not appear incongruous in relation to the first floor extension against which they would be set. The Inspector also stated that as the French doors proposed would have a height similar to the fenestration to the adjoining property and would be of a similar width to the original sash window, that they would not appear as an unduly visually prominent feature at first floor level. The Inspector went on to allow the appeal.

16/03384/FUL	Refusal - Town Planning	15 Ivymount Road London SE27 0NB	Replacement of existing lean-to extension with the erection of a single storey ground floor rear extension.	Delegated Decision	Refuse Permission	25.11.2016	Appeal Allowed
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The Inspector considered the main issues of this appeal to be the effect of the proposal on the living conditions of the occupiers of No. 17 Ivymount Road with reference to daylight, sunlight and outlook. On this issue the Inspector noted that the proposal would not cause material harm to the living conditions of the occupiers of No. 17 Ivymount Road and it would not be contrary to Policy Q2 of the Lambeth Local Plan which supports development where, amongst other matters, adequate outlooks are provided and there is no unacceptable impact on

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levels of daylight and sunlight on the host building and adjoining property and the Inspector went on to allow the appeal.

16/03339/FUL	Refusal - Town Planning	2 Hamlet Mews London SE21 8HG	Erection of part 1/ part 2 storey extension to rear together with a mansard roof extension, and increase in height of roof, together with a porch to front elevation. Installation of rooflights, french doors with Juliet balcony and windows.	Delegated Decision	Refuse Permission	25.11.2016	Appeal Dismissed
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The Inspector considered the main issues of this appeal to be (i) the impact on the character and appearance of the host property and (ii) on the living conditions of the occupiers of a neighbouring property with regard to daylight, sunlight, outlook and privacy.

On the first issue the Inspector noted that the proposed mansard roof form would not reflect the roof designs of other surrounding properties and that the mansard would create an awkward juxtaposition between this appeal property and the adjoining semi-detached dwelling which has a hipped roof form. The Inspector considered that the proposed full width single storey rear extension would appear subordinate to the existing building given its location at the rear of the property and its flat roof.

On the second issue, the inspector considered that the proposed full width single storey rear extension would not result in a significant adverse effect on the levels of overshadowing to the adjoining garden at No. 1 Hamlet Mews. The proposed mansard was also considered to be acceptable in respect of impact on sunlight, daylight and outlook to the adjoining property at No. 1 Hamlet Mews. However, the Inspector noted that the mansard roof extension would have French doors and a Juliette balcony to the rear. This would provide views at close-quarters of No. 1's garden, which would be intrusive to the neighbouring occupants. On this point the Inspector concludes that the proposal would have a detrimental effect on the living conditions of the occupiers of a neighbouring property with regards to privacy, thereby conflicting with Policy Q2. The Inspector noted that the proposal sought to provide additional living accommodation, but did not consider that this benefit outweighed the harm identified.

The appeal was dismissed.

	Allowed	Dismissed	Mixed
Month total	7	5	0
Financial year to date	46	94	3