

Appeal Decision

Site visit made on 6 September 2016

by Stephen Hawkins MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21st September 2016

Appeal Ref: APP/H5960/W/16/3147559

10 Pickets Street, Wandsworth, London SW12 8QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Frances Nuttall against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2015/0433, dated 27 January 2015, was refused by notice dated 16 November 2015.
 - The development proposed is demolition and rebuilding of existing house.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition and rebuilding of existing house at 10 Pickets Street, Wandsworth, London SW12 8QB in accordance with the terms of the application, Ref 2015/0433, dated 27 January 2015, subject to the conditions in the schedule at the end of this decision.

Procedural Matters

2. The Council adopted its Development Management Policies Document (DMPD) in March 2016. I have therefore referred to the policies of the adopted DMPD in my decision.
3. The description of development was amended at the appellant's request during the processing of the application. Whilst the Council have used a different description on their decision notice, I have used the appellant's amended description in the heading and in my decision.
4. As submitted and determined by the Council, the application proposed the total demolition of the dwelling. However, revised plans have been submitted with the appeal which show retention of the front façade. I am satisfied that consideration of the revised plans will not cause prejudice to any of the interested parties. I have therefore taken the revised plans into consideration in my decision.

Main Issue

5. The effect of the proposed development on the character and appearance of the area.
-

Reasons

Character and appearance

6. The existing dwelling is in the middle of a terrace of five modest sized dwellings, which share similar architectural characteristics. These include front bay windows, embellishments around the doors and window openings and 'London' roofs hidden from the street behind a continuous front parapet. The parapet is emphasised by decorative brick cornicing and dentils. Elsewhere in the street, other terraced dwellings have a similar appearance but have their gable ended or hipped roofs visible in the street above the eaves line. Semi-mature street trees on both sides of the road break up views of the continuous terraces and provide a sense of relief to the otherwise tightly knit urban form.
7. The proposed development includes changing the 'London' roof form to a dual pitched mansard roof of traditional design and appearance. This would have a steep lower slope and a shallower upper slope and raised party walls constructed in brick on either side. This part of the appeal scheme forms the main focus of the Council's objections. The mansard roof would be set back behind the parapet walls. This would have the effect of significantly offsetting the overall apparent height and bulk of the mansard roof when viewed at street level. In turn, the retained front elevation would not be dominated by the mansard roof. The front elevation would remain the principal feature of the dwelling in views from the street. Consequently, although it would be visible above the existing parapet line, the mansard roof would appear as a relatively small scale and subservient feature of the dwelling in the street scene.
8. The centrally positioned front and rear dormer windows would be modest in scale, well related to windows in the rest of the dwelling and would not significantly increase the overall bulk of the mansard roof. The use of external materials sympathetic to the traditional materials of local buildings would also assist in integrating the mansard roof into its surroundings. The detailed design of both the mansard roof and the dormer windows would be consistent with the guidance in the Council's adopted Housing Supplementary Planning Document (SPD).
9. There are no other mansard roofs in the terrace. Even so, the mansard roof is of relatively small scale and of appropriate design and materials. The well detailed front elevations of the terrace, framed by the street trees, would still be the dominant features in views along the street and their harmonious composition would not be significantly eroded. Moreover, there is some variation in the height and roof form of buildings in the wider environs. Consequently, the mansard roof would not appear as an alien or visually disruptive feature in its surroundings.
10. I have noted the two examples of mansard roofs referred to in the locality and the comments made by both main parties and local residents in relation to their similarity and relevance to the appeal scheme. Ultimately, I have dealt with the proposed development on the basis of its individual merits.
11. I have taken the comments of local residents objecting to the mansard roof into account. Nevertheless, for the above reasons the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area. It would therefore accord with Policy DMS 1 of the DMPD, because its scale, massing and appearance would provide a high quality

sustainable design that contributes positively to the local spatial character. Moreover, the proposed development would accord with Policy DMH 5, as it is well designed and would not dominate and compete with the original building, it is sympathetic to the style of the original building and it is not visually intrusive, harmful to the street scene or the building's appearance.

Other matters

12. The proposed development would occupy an extended footprint at the rear in comparison with the existing dwelling, encompassing an enlarged two storey outrigger, which would be longer and slightly wider than the existing structure. However, the outrigger would extend no further than the end of the outriggers of similar size and roof form at 8 and 12 Pickets Street. The new outrigger would be offset from the shared boundary with No 8. This would create a light well, which would be of similar size to that at No 8 and would contain a single storey extension with a glazed roof.
13. The height and mass of the new outrigger would create a slightly more enclosed outlook from some of the rooflights in No 8's single storey extension and from their first floor rear facing bedroom. Even so, the new outrigger would not result in a significantly more oppressive outlook compared with the existing situation and it would not result in a substantial reduction in levels of daylight. The mansard roof would project a limited amount above the existing roof level. Therefore, it would not result in any significant reduction in the daylight enjoyed by No 8's garden.
14. The first floor corner window in bedroom 3 in the outrigger would be fitted with timber shading fins on the side elevation. This would effectively reduce any unacceptable overlooking of the rear garden of No 8 that might otherwise occur. The other window on this elevation would serve a bathroom and would therefore not cause any harmful overlooking.
15. For the above reasons, the proposed development would not result in a significant loss of light, outlook, create a much greater sense of enclosure or result in any substantial visual intrusion or loss of privacy to the occupiers of the adjoining dwellings. It would also therefore accord with Policy DMS1 in this respect. I have also noted the comments of the adjoining residents regarding the structural implications of the proposed development in terms of their own properties. However, that is a matter dealt with by other legislation and I cannot take it into account in my decision.

Conditions

16. I have imposed the standard commencement condition and a condition specifying the approved plans in the interests of certainty. I have imposed a tree protection condition to ensure that the adjacent Cherry tree, which is located in the street but partly overhangs the appeal site, is not damaged during the construction phase. This must be a pre-commencement condition to ensure that the tree is adequately protected before construction works begin.
17. I have imposed a condition requiring prior approval of samples of the external materials, to ensure that the proposed development achieves a harmonious appearance with its surroundings. I have also imposed a condition requiring the use of obscure glazing in the first floor bathroom window, to protect the privacy of the adjoining occupiers.

18. The effect of the Secretary of State's Written Ministerial Statement of 25 March 2015 is that Policy IS2 of the adopted Wandsworth Core Strategy (CS) and Policy DMS 3 of the DMPD can be applied to new residential development up to a level equivalent to level 4 of the Code for Sustainable Homes, until the amendments to the Planning and Energy Act 2008 contained in the Deregulation Act are commenced. I have therefore amended the Council's suggested condition 6 to require an energy performance equivalent of level 4 of the Code in the interests of climate change mitigation. I have also amended the suggested condition 7 to comply with the Building Regulations Optional Requirement for water efficiency, in the interests of promoting a sustainable water supply.
19. In other instances, where necessary I have amended and consolidated the Council's suggested conditions, to ensure that they meet the tests in the National Planning Policy Framework (the Framework). The conditions have also been re-ordered, so as to comply with the Planning Practice Guidance (PPG)¹. However, I have not imposed all of the conditions suggested. I have not imposed a condition removing 'permitted development' rights in respect of additional windows. This is unnecessary, as condition A.3 (b) of Part 1, Class A, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 provides an adequate safeguard for the privacy of the adjoining occupiers. As the front façade is now proposed to be retained, the suggested condition regarding matching materials is no longer necessary.
20. After seeking the views of both main parties, I have imposed two other conditions. I have imposed a condition requiring the installation and retention of the timber fins on the window to bedroom 3 in order to protect the privacy of the adjoining occupiers.
21. Further, I have imposed a condition removing 'permitted development' rights in respect of the future enlargement of the dwelling. In doing so, I am mindful that such conditions should only be imposed exceptionally. However, having regard to the relationship between the rebuilt dwelling and neighbouring dwellings such a condition is necessary in this case, in order to safeguard the character and appearance of the area and the living conditions of the adjoining occupiers.

Conclusion

22. For the reasons given above I conclude that the appeal should be allowed.

Stephen Hawkins

INSPECTOR

¹ Paragraph: 024 Reference ID: 21a-024-20140306

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DE01 Rev A, DE02 Rev A, DE03 Rev A, PL01 Rev B, PL02 Rev A, PL03 Rev B, PL04 Rev B, PL05 Rev C, PL06 Rev C, PL07 Rev C and PL08 Rev B.
- 3) No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of the existing tree, including a plan showing the location of the protective fencing, and a specification of the type of protective fencing to be erected which accords with BS5837: 2012 has been submitted to and approved by the Local Planning Authority and erected in accordance with the approved details. The protective fencing shall be maintained in accordance with the approved details for the duration of the construction works. No activities or storage of materials shall take place within the areas protected by the fencing.
- 4) No development other than the demolition authorised by this permission shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5) Before the first occupation of the development hereby permitted the first floor bathroom window in the side elevation shown on Drawing Nos PL03 Rev B and PL06 Rev C shall be fitted with obscured glass and shall be permanently retained in that condition.
- 6) Before the first occupation of the development hereby permitted the window in bedroom 3 shown on Drawing Nos PL03 Rev B and PL06 Rev C shall be fitted with timber shading fins to prevent overlooking in accordance with the above drawings and shall be permanently retained in that condition.
- 7) Before the first occupation of development hereby permitted the relevant requirements of a level of energy performance which is equivalent to that of ENE1 level 4 of the Code for Sustainable Homes shall have been met and the details of compliance made available to the Local Planning Authority for checking.
- 8) Before it is first occupied the development hereby permitted shall comply with Building Regulations Optional Requirement for water efficiency, by preventing the consumption of more than of 110 litres of water per day. Evidence of compliance shall be notified to the Building Control body appointed for the development in the appropriate Full Plans Application, or Building Notice or Initial Notice to enable the Building Control body to check compliance.
- 9) Notwithstanding the provisions of Schedule 2, Part 1 Classes A, B & D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the dwelling hereby permitted shall not be

enlarged without the prior written approval of the Local Planning Authority following the submission of a planning application.