

Appeal Decision

Site visit made on 3 October 2016

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 31 October 2016

Appeal Ref: APP/H5960/W/16/3155061

525 Old York Road, Wandsworth, London SW18 1TG

- 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 Dudobi Ltd against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2015/4595, dated 14 August 2015, was refused by notice dated 4 February 2016.
 - The development proposed is erection of enlarged front dormer, replacement shopfront and first floor windows; demolition of existing rear additions and erection of part-single, part-two storey rear addition, rear mansard roof extension and roof extension with roof terrace over rear addition; basement excavation with rear enclosed courtyard, change of use of rear part of existing ground floor commercial/unit shop, in connection with the formation of four additional residential units.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development above is altered slightly from that on the application form through the removal of narrative text which is not related to the development itself.
3. The Council's Decision relates specifically to the creation of an additional two-bedroom duplex unit at ground and basement level. There is no dispute between the parties as to the acceptability of the other elements of the proposal and I shall therefore confine my detailed considerations to the proposed additional two-bedroom duplex unit shown as Unit 1.

Main Issue

4. The main issue in this case is the effect on the living conditions of future occupiers, with particular regard to outlook and light.

Reasons

Living conditions

5. Unit 1 would be a two-bedroom duplex unit with bedrooms at basement level and a kitchen/living area at ground level above. It would be located centrally within the redeveloped and extended building, and thus aside from the small area of glazed roof to the living area, all the windows in the dwelling would look
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onto the relatively narrow lightwell. Consequently the main outlook for all the rooms would be towards the neighbouring wall just a couple of metres away. Furthermore, despite the proposal to soften the appearance of the neighbouring wall with planting and provide glazing to three sides of the lightwell, given the height and proximity of the neighbouring wall the overall outlook from all the windows would be enclosed, giving the impression of being at the bottom of a well.

6. The application was supported by a Daylight and Sunlight Study¹ which is based on the numerical tests laid down in the Building Research Establishment (BRE) guide, 'Site Layout Planning for Daylight and Sunlight: a good practice guide' by PJ Littlefair, 2011. It concludes that all the rooms in Unit 1 would surpass the BRE Average Daylight Factor targets, however only one of the kitchen/living room windows would receive the annual sunlight standard and none would receive the winter standard.
7. I have had regard to the supporting statement from Anstey Horne, 4 May 2016 and Right of Light Consulting's Review of the Council's Decision, and I understand that the windows have been designed and orientated to achieve as much sunlight as possible. However, although the site lies within an area of high density mixed development where an active view is not always possible, in this case none of the living accommodation would have an outlook that I would consider to be acceptable by reason of its high sense of enclosure and limited sky view. Furthermore the standard of annual sunlight available to the accommodation would be poor.
8. I have taken into consideration the amount of living space that would be provided and note that it meets the space standards set out in Mayor's Housing Supplementary Planning Guidance, 2016 and also includes a small area of external amenity space. I also find no substantive objection in regard to daylight and note that the proposal would provide an additional unit of accommodation in a sustainable location. However, these considerations do not mitigate the harm I have identified above.
9. The appellant has drawn my attention to similar standards of accommodation which may have been approved by the Council nearby, however I do not know the precise circumstances of these other developments, and in any event they do not justify the appeal proposal which must be considered on its own merits. I have also had regard to the appellant's current proposal, Ref 2016/2466 which is being considered by the Council. This proposal is not however directly comparable to the case I have before me, where the only outlook for future occupiers would be towards a lightwell.
10. I therefore conclude that the proposed development would have a harmful effect on the living conditions of future occupiers, with particular regard to outlook and sunlight. Accordingly the proposal is contrary to Policy DMS1 of the Wandsworth Local Plan, Development Management Policies Documents, 2016 which seeks to ensure that new development, amongst other things, does not harm the amenity of occupiers through unacceptable outlook and sunlight/daylight.

¹ Daylight and Sunlight Study, Right of Light Consulting, 4 August 2015.

Conclusion

11. For the reasons given above and taking into account all other matter raised, I confirm that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR