
Appeal Decision

Site visit made on 4 October 2016

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 3 November 2016

Appeal Ref: APP/H5960/W/16/3154921

Flat Ground Floor C, 57 Dafforne Road, London SW17 8TY

- 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 Jane Hill and Ms Helen Wood against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/2741, dated 13 May 2016, was refused by notice dated 8 July 2016.
 - The development proposed is conversion of the lower ground floor from ancillary accommodation to a self-contained two-bedroom flat, creation of lightwell and two windows onto Dafforne Road, creation of a window at rear, and cycle parking and bin storage in the amenity space at rear (part-retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for conversion of the lower ground floor from ancillary accommodation to a self-contained two-bedroom flat, creation of lightwell and two windows onto Dafforne Road, creation of a window at rear, and cycle parking and bin storage in the amenity space at rear at Flat Ground Floor C, 57 Dafforne Road, London SW17 8TY in accordance with the terms of the application, Ref 2016/2741, dated 13 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: MA169 001 Site Location Plan (P5); MA169 011 Existing Site Plan (P5); MA169 020 Proposed Site Plan (P5); MA169 031 Existing Lower Ground (P5); MA169 032 Proposed Lower Ground (P5); MA169 033 Existing Street Level Access (P5); MA169 034 Proposed Street Level Access (P5); MA169 040 Existing Elevation 01 (P5); MA169 041 Existing Elevation 02 (P5); MA169 042 Existing Elevation 3 to 5 (P5); MA169 050 Proposed Elevation 01 (P5); MA169 051 Proposed Elevation 02 (P5); MA169 052 Proposed Elevation 3 to 5 (P5); MA169 060 Existing Sections (P5) and MA169 061 Proposed Sections (P5).
 - 2) Notwithstanding the details shown on Drawing No: MA169 052 Proposed Elevation 3 to 5 (P5), the lightwell serving the dining area shall be enclosed by a frosted glass balustrade as shown on approved Drawing No: MA169 032 (P5) before the basement flat hereby permitted is first occupied. It shall thereafter be so maintained.
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Procedural Matters

2. It was clear from my visit to the site that the front lightwell and windows had been completed, although the extension to the dining area lightwell and proposed kitchen window had not been constructed. The proposed flat was not occupied, however it is clear that the development has commenced and I have therefore determined the appeal on this basis.
3. I also noted on my site visit that a set of external steps had been constructed in the rear lightwell which provide access to the ground floor rear yard area. These steps are not shown on the proposed plans and do not therefore form part of my considerations.
4. During the course of the application process, and as a consequence of negotiations between the main parties, revised plans were submitted to the Council. A further suite of plans accompanied the appeal submission and are annotated as Revision P5. The appellant states that this suite of plans has been prepared to provide an accurate set of drawings which are fully consistent with the final revisions considered by the Council. I am satisfied that they do not alter the proposed development from that which was considered by the Council when they determined the application, and the Council have had an opportunity to comment on them. Consequently, neither party would be prejudiced by my determining the appeal with regard to these plans, and I have done so on this basis.

Main Issues

5. The main issues in this case are the effect on:
 - The character and appearance of the area; and
 - The living conditions of future occupiers, with particular regard to outlook.

Reasons

Character and appearance

6. Dafforne Road is characterised by attractive vernacular terraced housing with distinctive projecting front gables. Properties are positioned close to the road with only a small front garden enclosed by low boundary walls or railings. By reason of their limited depth the frontages are generally hard surfaced and used to store bins and accommodate meter boxes. However, some areas have elements of soft landscaping characterised by the occasional hedge planting around the front boundary walls and plants in pots.
7. Policy DMH5 of the Wandsworth Local Plan, Development Management Policies Document (DPD), March 2016 states that proposals for extensions and alterations to existing residential properties will be permitted where, amongst other criteria, no buildings or structures are proposed in front gardens, and where lightwells are proposed, at least 50% of the original front garden depth will remain. Further detailed advice on front gardens and basements is contained within the Council's Adopted Housing Supplementary Planning Document, 2015 (SPD) which advises that development at the front of houses can have a significant impact on the street scene and that it is important to make sure that the scale and design of lightwells fit in with the property and the street scene.

8. The Council are concerned that the front lightwell leaves insufficient undeveloped front garden area and has therefore resulted in the permanent loss of an area capable of being landscaped, and any opportunity to enhance this undeveloped space. In turn they consider this to harm the street elevation.
9. The construction of the front lightwell has clearly removed over 50% of the appeal property's front garden depth. However, given the restricted depth of the lightwell which is enclosed by a single boundary treatment, and the appearance of the new front windows, which reflect the pattern and design of the ground floor windows above, the lightwell does not appear unduly prominent. Furthermore, two small areas of hardstanding remain on either side of the lightwell and at the time of my site visit these areas had pots on them which were planted with ornamental trees. It seems to me that, albeit the amount of area available for landscaping has been reduced, there remains an opportunity to provide some soft landscape treatment in a manner which is similar to the character of the existing landscaping treatment of front gardens within Dafforne Road.
10. I share the Council's concern regarding the cumulative impact of similar developments on the street scene. However, in this particular instance, given the nature of the proposed development and characteristics of this street, I do not consider the proposal causes harm to the character or appearance of the area.
11. I conclude that the proposed development would not cause harm to the character and appearance of the area. It would conflict with Policy DMH5 of the DPD. However, the particular circumstances I have identified above are material considerations, which when taken together with the benefits that would flow from the provision of an additional unit of living accommodation; lead me to conclude that this proposed front lightwell would be acceptable. Furthermore it would not conflict with the detailed guidance for front gardens and basement extensions set out in the SPD, the aims of which are set out above.

Living conditions

12. The basement flat would have two single bedrooms each with a large window opening into the front lightwell. I was able to enter these rooms on my visit to the site and I concur with the conclusions of the Internal Daylight and Amenity Report¹ that they are well day lit rooms. Furthermore, the rooms have a clear view of the properties across the street above first floor level and the tops of vehicles passing in the street are visible. There is also an unobstructed view of the sky. I am therefore satisfied that the proposed bedroom accommodation would not suffer from an overbearing sense of enclosure.
13. There are two further lightwells which also provide external amenity space at the rear of the property. At the time of my visit the proposed dining area has French doors opening onto rectangular shaped lightwell which would provide sufficient space for a table and chairs. Although it is a relatively well day lit room, the opaque screen/balustrade at the top of the well prevents views of the sky above. However, the proposed plans under my consideration show a deeper L-shaped space is proposed which, by virtue of the added depth, would

¹ Internal Daylight Amenity Report, 57 Dafforne Road, Point Surveyors, July 2015

allow views of the sky from within the dining area and this space. Therefore when taken together with the ability to open the full glazed French doors into this area, I am satisfied that the outlook from this room would not be oppressive, nor suffer from an overbearing sense of enclosure.

14. The kitchen/living area would have a dual aspect by virtue of a proposed window which would look into the dining area lightwell and the fully glazed patio doors to the rear lightwell. Both lightwells are of sufficient depth to ensure that the outlook from them is not enclosing. It is possible to gain a view of the sky through the rear lightwell from the reception area and the proposed window in the flank wall would also provide light and outlook to the kitchen area, which is located more centrally within the basement. Furthermore the rear lightwell is of sufficient size to accommodate seating and provide a space to dry clothes.
15. Consequently, overall the proposed flat would provide accommodation which is well day lit and would not suffer from an overbearing sense of enclosure or dungeon feel.
16. I therefore conclude that the proposed development would not be harmful to the living conditions of future occupiers, with particular regard to outlook. I therefore find no conflict with Policies DMS1 or DMH4 of the DPD which together with the Housing SPD seek to ensure that new development does not harm the amenity of occupiers through being overbearing or loss of outlook.

Conditions

17. The Council has suggested a number of conditions which I have considered against the advice in the National Planning Policy Framework and Planning Practice Guide. I have imposed a condition specifying the approved plans as this provides certainty. A condition is necessary to clarify the drawings and specify the construction of the glass balustrade and the timing of its installation, to safeguard the living conditions of the future occupiers.

Conclusion

18. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

Elizabeth Pleasant

INSPECTOR