

Appeal Decision

Site visit made on 8 November 2016

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 02 December 2016

Appeal Ref: APP/H5960/W/16/3155466

22 Trinity Road, Wandsworth, London SW17 7RE

- 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 Mr Paul Higgins against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/1336, dated 4 March 2016, was refused by notice dated 27 May 2016.
 - The development proposed is demolish rear of existing two-storey terraced shop with flat over and rebuild and extend to create three storey building with shop and three flats.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. For clarity I have used the address 22a Trinity Road taken from the appeal questionnaire and the decision notice, rather than 22 Trinity Road as given on the application form.

Main Issue

3. The main issue is the effect of the development on the living conditions of occupiers of 20a Trinity Road (No 20a), with particular regard to outlook.

Reasons

4. The appeal property (No 22a) is a terraced building fronting Trinity Road, with a shop at ground floor level and accommodation above. The property to the north, (No 24), has a ground floor projection which is hard against the boundary with No 22a, with a first floor projection above. To the south, between Nos 22a and 20a, there is a mix of boundary fencing and walling which rise in height towards No 20a's rear elevation alongside steps to a first floor flat.
 5. The development would extend across the full width of No 22a's plot at ground level, with a first floor projection above. There would also be a roof extension, but as this has not been referred to in the reasons for refusal, I have not referred to it in my reasoning.
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6. The Council has raised a concern that the flank wall of the development, which would extend along the boundary for 7.35 metres at first floor and 9.35 metres at ground floor level, would affect the outlook of occupiers of No 20a.
7. There is a first floor bedroom window at No 20a, some 700mm from the boundary line. I noted on my visit that its window head is some 300mm higher than shown on the drawings before me, but nevertheless the top of the development's flank wall would be higher than the window head. Although I appreciate that the existing outlook from this window is unsatisfactory, as the rear yard of No 20a is neglected, the outlook is nonetheless relatively open and takes in the rear yards of both No 20a and No 22a. The proposed positioning, depth and height of the flank wall in relation to this bedroom window would create significant enclosure, and would also appear visually overbearing for the occupiers of No 20a's first floor flat.
8. Although I note that there is a similar relationship at No 24 between a first floor window and its rear projection, in that instance the relative height of the first floor projection is one storey high as it steps back from the ground floor extension at the side of the plot. In this instance, the flank wall of the extension evident from the bedroom window would be two storeys high, and would extend at first floor level for some 7 metres.
9. I concur with the appellant that it appears that there was a mono-pitched rear projection in this location at some point in the building's history. However, this does not alter the fact that this appeal has to be determined against current planning policy. In addition, although the appellant notes that the proposed flat roof would lessen the effect of the development on the adjoining property compared to the earlier projection, the evidence before me indicates that it would be as high as the former wall supporting the mono-pitch roof.
10. The appellant's statement notes that the roof edges of the flank wall could be reduced in height to make the development less dominant. However, I have to determine the appeal before me. It is also noted that the existing combination of fencing and walling on the side boundary between Nos 22a and 20a is double height, but I noted on my visit that although the boundary fencing rises alongside the steps to No 20a, its upper edge reaches to just above cill height of the bedroom window. Furthermore, the fencing does not enclose the outlook from No 20a's bedroom window whereas the flank wall of the extension, as noted above, would be higher than the window head.
11. The Council has also noted that the development's flank wall would appear as an overly dominant structure on the boundary of No 20a's rear yard. There is a dispute between the main parties as to whether this yard is an amenity space for occupiers of No 20a, and I noted on my visit that it does not currently provide a particularly satisfactory environment for amenity use. Furthermore the evidence before me indicates that the first floor flat at No 20a and the rear yard areas are in different ownership. Nonetheless, it is an open area at the rear of accommodation, and if not used for amenity, is used for access.
12. I concur with the Council that the development's two-storey and featureless flank wall would appear somewhat oppressive for users of the yard. However, if this was the only harm identified, I would not consider it sufficient reason to warrant dismissal of the appeal. Given the poor condition of the yard itself, I am not satisfied that the development's boundary wall would be particularly harmful to the enjoyment of the yard. Nor would it be particularly

inappropriate in the area given the double height boundary existing between No 22a and No 24, albeit formed by a combination of brickwork and fencing.

13. However, as reasoned above, I have concluded that by reason of its combined height and depth along the side boundary, the development would have a detrimental effect on the living conditions of occupiers of No 20a through a significant loss of outlook and an overbearing effect. The Housing SPD¹ (SPD) notes that rear extensions should respect the shape and form of the existing house and not be overdominant. It also states that a large extension may cause loss of outlook for neighbours or have an overbearing effect on their property, and that ideally a two-storey extension should be sited away from the boundary. There is a further guideline suggesting that the height and bulk of any extension on a boundary should be kept to a minimum. I appreciate, as noted by the appellant, that there is no existing ground floor accommodation at No 20a, but it is the effect on outlook from the first floor window I consider the determinative factor.
14. As such the development would be contrary to the guidelines contained in the SPD, outlined above, and contrary to the provisions of Policy DMS1 (c) of the Local Plan² which only grants permission for development which will not harm the amenity of occupiers of nearby properties through overbearing effects or unsatisfactory outlook.

Conclusion

15. I appreciate that the development would provide additional dwellings in an area with good access to services and transport. However, this benefit would not outweigh the harm I have identified above in relation to the living conditions of occupiers of No 20a.
16. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR

¹ London Borough of Wandsworth, Housing, Supplementary Planning Document, July 2015

² London Borough of Wandsworth, Local Plan – Development Management Policies Document, adopted March 2016