

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/16/3156980
135 Mitcham Road, London SW17 9PE

- 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 Raj Patel against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/2775, dated 13 May 2016, was refused by notice dated 5 August 2016.
 - The development proposed is change of use from commercial unit (Class B1) to 1x1-bedroom residential unit (Class C3) with alterations, erection of first floor extension and single-storey extension, and creation of first floor balcony to front on Vant Road elevation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Representations from an interested party dispute ownership of part of the appeal site. However, that dispute is outside the scope of this appeal and has not affected my reasoning.
3. I have used the description of the development given on the Council's decision notice in the heading above, as this describes more accurately the appeal before me.
4. The appellant has suggested that were I to conclude that the development would be acceptable with the omission of the proposed balcony, the use of the ground floor storey's flat roof as exterior amenity space could be prohibited by condition. However, the evidence before me indicates that the Council expressed concerns in relation to exterior amenity space for a previous application at this site¹. Were a condition to be imposed to prohibit use of the flat roof, there would be no exterior amenity space for this development. Furthermore, such a change would be significant and would not have been subject to consultation, which would prejudice the interests of other parties.

Main Issues

5. The main issues are the effect of the development on:
 - the character and appearance of the area; and,

¹ 2015/0390

- the living conditions of future occupiers, with particular regard to daylight.

Reasons

Character and appearance

6. The appeal property comprises a single storey building of no particular merit situated hard against the footway on Vant Road, and forming the side boundary of 135 Mitcham Road (No 135). On Vant Road, one side of the appeal property abuts a terrace of three-storey period dwellings. The predominant building line on Vant Road is set back behind short front gardens and is consistent along the entire length of the road. The development would comprise the conversion of the single-storey building to a two-storey dwelling, stepped back at first floor level to continue and align with the prevailing building line on Vant Road.
7. The proposed dwelling would have no amenity space at ground level. To remedy this, a balcony is proposed on the projecting ground floor storey's flat roof, bounded by a rendered wall. This would project some 3.5 metres beyond the building line and add significant bulk to the development's front elevation at first floor level.
8. The appellant suggests the balcony would not be readily visible against the rendered wall behind. However, it would be higher than the upper level of render on the development's front elevation, which would draw attention to it and prevent it from blending in. In any case, it would only be seen directly against the development when viewed from a position directly opposite the dwelling; from other directions its full depth and height would be evident and it would be seen to project significantly beyond the prevailing building line of the adjacent period terrace, which has a repeating pattern of flat elevations above ground level.
9. The use of the balcony would also introduce amenity activity onto the Vant Road frontage, which would be out of character with the street scene. As such, I conclude that the balcony would be visually intrusive, would add bulk forward of the prevailing building line at first floor level, and would be incongruous and out of keeping with the adjacent period terrace and the street scene.
10. The Council has raised a concern in relation to the encroachment of the development's first floor into the existing gap in the building pattern. Although I concur that this would be the case, the views from Vant Road of the less ordered rear elevations of buildings on Mitcham Road form a somewhat discordant contrast to the modest elegance of the Vant Road dwellings. The development would provide additional screening of these rear elevations whilst still retaining a break in the development pattern. As such, I give this argument little weight but it has not affected my reasoning with regard to the proposed balcony.
11. I conclude that as a consequence of the projecting balcony, the development would be contrary to the design aims of Policy DMS 1 of the Local Plan² (LP) which require the layout and arrangement of buildings to show a high level of physical integration with their surroundings, and to ensure that scale, massing and appearance make a positive contribution to local spatial character. It would also be contrary to LP Policy DMH 5 which states that roof alterations,

² Borough of Wandsworth Local Plan – Development Management Policies Document (adopted March 2015)

(which this development would be, through the addition of an extra storey), shall be sympathetic to the style of the buildings, not visually intrusive and shall not harm the street scene.

Living conditions

12. The ground floor of the development would have windows onto the street, and the floorplans indicate that the kitchen and dining area would be located close to these windows. The plans also indicate that although the ground floor would be some 10 metres deep, there would be a large skylight beyond the kitchen area. This would give additional daylight and although the appellant has not supplied evidence of daylight levels within the flat, I am satisfied that the skylight, in combination with the front windows, would provide sufficient levels of natural light to the flat's ground floor. I appreciate that the stairs and bathroom would be located at the rear of the ground floor, furthest from both sources of daylight, but this is not unusual in flat accommodation.
13. As such, I am not satisfied that there would be significant harm to the living conditions of future occupiers. Consequently, there would be no conflict with LP Policy DMH4 which allows conversions only where there would be adequate daylight to habitable rooms, or LP Policy DMS1 which grants permission for development where there would be no harm to the amenity of future occupiers through unsatisfactory levels of daylight.

Conclusion

14. I acknowledge that the development would provide a new dwelling within easy reach of services and transport connections. However, this limited benefit would not outweigh the harm I have identified above, in relation to character and appearance.
15. Consequently, 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