

Appeal Decision

Site visit made on 2 November 2016

by J F Powis BA (Hons) MSc MRTPI

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

Decision date: 9 December 2016

Appeal Ref: APP/H5960/W/16/3155982

Garages and land west of 17 and 19 Sutherland Grove, London SW18 5PR

- 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 Jon Davis of Indigo Scott Group Limited against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/1516, dated 4 March 2016, was refused by notice dated 1 July 2016.
 - The development proposed is the erection of 2 x single-storey, with basement, dwellinghouses (Class C3) fronting Combemartin Road with lightwells to the front and rear and new boundary treatment.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Jon Davis of Indigo Scott Group Limited against the London Borough of Wandsworth. The application was subsequently withdrawn by the appellant on 3 Oct 2016 and therefore a costs decision will not be issued in this case.

Main Issues

3. The main issues are:
 - whether or not the proposed development would provide acceptable living conditions for future occupiers, with particular reference to the provision of external amenity space, privacy and outlook; and,
 - the effect of the proposals on the character and appearance of the Sutherland Grove Conservation Area.

Reasons

Background to the Scheme

4. The appeal site is a parcel of land to the rear of two residential properties on Sutherland Grove which is accessed from Combemartin Road. Permission was granted in 2015 for a single, four bedroom dwelling on the site. The appellant submits that current market conditions are not appropriate for the implementation of that consent.
 5. The proposed development would comprise two semi-detached residential units, each with two bedrooms. The dwellings would have living, dining and
-

kitchen space at ground floor level, with bedrooms and bathrooms at a lower ground floor level. Front lightwells and sunken rear terraces would serve the lower ground floor level accommodation.

The Effect on Living Conditions of Future Occupiers

6. Policy DMH 4 of the Wandsworth Local Plan: Development Management Policies Document (adopted March 2016) (DMPD) stipulates that new residential development should provide a layout and building form that includes adequate outdoor amenity space as outlined in Policy DMH 7 of the same plan and that reflects local character. Policy DMH 7 states that for new build two bedroom properties, a minimum of 10 sqm of dedicated amenity space should be provided per unit, excluding footpaths, parking areas, access ways, side or front gardens.
7. The rear terraces in the north of the site would provide external amenity space of approximately 10.37 sqm for unit 1 and 14.94 sqm for unit 2, meaning that the minimum policy standards would be met in a quantitative sense. The supporting text to Policy DMH 7 at paragraph 3.29 emphasises that the space provided should be high quality, usable amenity space, maximising privacy and minimising overlooking. Given the northerly aspect of the terraces, their sunken nature at lower ground floor level and their relatively narrow width, I have concerns about the quality of the resulting amenity space, not least in terms of access to sunlight.
8. The site would also provide an area of landscaped garden space to the front of the properties. This would be bisected by hard surfacing for footpaths leading from Combemartin Road to the respective front doors and would be partly occupied by the two front lightwells. The result would be two modest areas of amenity space in the southern part of the site. These areas would be bounded to the south by Combemartin Road.
9. The appellant has indicated a willingness to provide screening in the form of planting or railings along the southern boundary with the aim of providing a level of privacy for users of the front garden space. Although given the narrow width of the amenity space to the front of unit 1, the provision of planting for this purpose would be likely to further erode the amount of useable garden space available. I am also not convinced that planting or railings of a substantial height along the front boundary would satisfy the requirement of Policy DMH 7 for garden provision to reflect local character.
10. Furthermore, the amenity space provided to the front of the site would appear to be a shared space for both properties and therefore would not offer the level of privacy afforded by a dedicated garden area. Overall, I therefore find that the proposal would provide inadequate outdoor amenity space to meet the needs of its future occupiers.
11. The appeal site sits below the level of Combemartin Road and the plans show three steps down into site from the existing pavement level. With large windows proposed for the south elevation, this difference in levels would make the properties vulnerable to overlooking from passing pedestrians and vehicular traffic which could have an oppressive effect on the occupiers.
12. It would be possible to use planting along the southern boundary to create some protection from visual intrusion for those inside the house. Nonetheless,

even with such planting, I consider that the large kitchen window on the south elevation of unit one would remain prone to overlooking from pedestrians passing by on the adjacent narrow pavement which would be approximately 1.85 metres away from the window. Given the open plan design of the ground floor space, this could also allow views from the street into the dining and living space of unit one.

13. The appellant has presented two possible options for the position of the front lightwell serving unit one. Due to the dwelling's close proximity to the southern boundary and the difference in ground levels between the site and the pavement, I consider that the proposal would result in unacceptable levels of overlooking regardless of the position of the front lightwell. Furthermore, in accessing the bin and cycle store in the east of the site, the occupiers of unit one would have clear views into the living space and front lightwell of unit two which would also compromise the privacy of its occupiers.
14. Moreover, I note that the lightwells and lower terraces would provide a relatively short distance between the door openings from the bedrooms and the opposite walls. As a result, whilst they would bring natural light to the lower ground floor, they would create a restricted outlook for occupiers. The appellant contends that the orientation and dimensions of the lightwells would retain or in some cases improve the outlook for occupiers compared to the previously approved scheme. Notwithstanding this, I am mindful that the scheme before me is for two units rather than the previously proposed single unit. In this context, the limited outlook from much smaller units would create an unacceptable sense of enclosure for occupiers. This unsatisfactory outlook, together with the effects of overlooking and poor quality external space, would lead to an overall feeling of cramped living conditions within the site.
15. Taking all of the above matters together, I conclude that the proposed development would result in an unacceptable standard of accommodation for future occupiers, with particular reference to the provision of external amenity space, privacy and outlook. I therefore find conflict with Policies DMS 1 and DMH 4 of the DMPD insofar as they seek to ensure that new residential development includes adequate outdoor amenity space and provides acceptable standards of privacy and outlook.

The Effect on Character and Appearance

16. The appeal site sits toward the south of the Sutherland Grove Conservation Area which is a residential area consisting predominantly of two storey detached and semi-detached houses dating from the 1930s. In determining this appeal, I have paid special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area, which is a designated heritage asset, and my statutory duties¹ in this regard.
17. At the time of my visit, the site was unoccupied. One of the two garages marked on the submitted plans appeared to have been removed, and the remaining single garage in the south west of the site would be demolished to make way for the two proposed semi-detached dwellings.
18. I note the Council's view that the overall form, design and materials of the proposed development would remain generally consistent with the scheme

¹ Under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

approved under the 2015 consent (as subsequently varied) for a four bedroom dwelling on the site and as such would be acceptable. The Council's objection in terms of character and appearance therefore relates solely to the design and location of the lightwell to the front of unit 1 in the southern part of the site.

19. Having regard to Policies DMS 1 and DMS 2 of the DMPD and the Council's Housing SPD, as well the other material considerations before me, I share the Council's concern in relation to the position of the most southerly front lightwell, which would effectively extend the built form up to the boundary with Combemartin Road. The position of the lightwell would restrict opportunities for planting along the frontage and create a prominent and discordant feature which would be unsympathetic to the surrounding built form. As such, I consider that the proposal would be harmful to the character and appearance of the Sutherland Grove Conservation Area.
20. The appellant has indicated that he would be willing to relocate the lightwell in question to a position shown in an earlier layout of the scheme on superseded drawing no. A16/SA280/03 (February 2016). This would move the lightwell away from the front boundary of the site and alongside the eastern elevation of unit 1. The Council has stated that the amendment may overcome its concerns in respect of design, but could have disadvantages in terms of privacy and the availability of external amenity space.
21. I consider that the proposed relocation of the front lightwell could address the Council's first reason for refusal, although acknowledge that it may raise new issues in terms of the second reason for refusal. I conclude that even if I was to find that the revised design would cause no harm in respect of the character and appearance of the Conservation Area, the absence of harm would not be sufficient to overcome my finding that the proposal would provide unacceptable living conditions for future occupiers. Since my overall conclusion in respect of the appeal would not be altered, there is no need for me to pursue this matter further.

Benefits of the Scheme and Conclusions

22. The proposal would provide two high quality residential units in a sustainable location and would make efficient use of a previously developed site. These are matters that weigh in its favour. However, these benefits do not outweigh the harm that I have identified in respect of living conditions.
23. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J F Powis

INSPECTOR