

Appeal Decision

Site visit made on 6 December 2016

by Alexander Walker MPlan MRTPI

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

Decision date: 16 December 2016

Appeal Ref: APP/H5960/16/3158192
113 Replingham Road, London SW18 5LX

- 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 Craig Daniel against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/3058, dated 26 May 2016, was refused by notice dated 4 August 2016.
 - The development proposed is the demolition of existing single storey addition and erection of new single storey extension and terrace at first floor level with 1.8m high obscured balustrade.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the development on the living conditions of the occupants of the neighbouring residential properties, with regard to noise and disturbance; and,
 - ii) the effect of the development on the character and appearance of the host property and the surrounding area.

Reasons

Living Conditions

3. The appeal property is a mid terrace, two-storey property with accommodation in the loft. The property lies within a predominantly residential area comprising of similar terrace rows with modest rear gardens that back onto each other, creating a tight form of urban development.
 4. The proposed first floor terrace would be accessible from inside the property via a bedroom. However, there would also be access from the garden via an external staircase. Consequently, the terrace could be used by more people than one would generally expect if it only had access from the bedroom and given its size, it could comfortably accommodate several people.
 5. The terrace would be within proximity of the boundaries with the adjoining properties. The balustrades would sufficiently restrict views of the neighbouring gardens. However, in such a tight urban setting as this, noise and disturbance as
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a result of people conversing on the terrace can be readily discernable from the neighbouring rear gardens. As it would be so close to neighbouring properties, the use of the balcony would likely result in unacceptable noise and disturbance to those neighbouring residents, particularly during the warmer months when neighbouring properties would be likely to have windows open into the evening.

6. I have taken into account that the locality has a dense, tight knit urban living arrangement with back to back dwellings and I appreciate that a degree of noise and disturbance from the use of outdoor amenity space is already likely to occur. However, the first floor position of the terrace would increase this possibility to a harmful degree.
7. An extant permission includes the installation of a Juliet balcony and French doors on the rear elevation. Whilst, when open, these doors could result in some noise and disturbance, I do not find that it would be to the same extent as the proposal before me. Furthermore, I have had regard to the second floor terrace. However, as it is set back from the eaves and is significantly higher, and therefore further away from neighbouring gardens and windows, noise and disturbance as a result of its use would not be to the extent as that proposed.
8. I have been referred to a significant number of terraces that the Council have approved. However, I have very limited information on those developments and none appear to replicate the circumstances of this appeal. In particular, I note the appeal decision¹, where the Inspector found that the terrace would not result in an unacceptable level of noise and disturbance. Whilst there are some similarities, the proposal included access from the bedroom only, not from the rear garden as with the proposal before me. Therefore it is unlikely that it would be used to the same extent. In any event, I have determined the appeal proposal on its own merits.
9. I acknowledge the concerns raised regarding the loss of light into the neighbouring window. However, given that the balustrade would only be 1.7m in height it would not result in any significant loss of light. I have also considered the effect of the development on the privacy of properties to the rear. However, I am satisfied that there would be sufficient distance between the properties to ensure that there would not be any harmful overlooking.
10. I find therefore that the proposal would significantly harm the living conditions of the occupants of the neighbouring residential properties. As such, it would be contrary to Policy DMS1 of the London Borough of Wandsworth Local Plan Development Management Policies Document (DMPD) 2016, which, amongst other matters, seeks to ensure that development does not harm the amenity of occupiers of nearby properties through unacceptable noise.

Character and Appearance

11. Properties along this part of the terrace generally have two storey closet wings and some have smaller extensions to the rear of them. The Council raise no objection to the proposed single-storey extension and external staircase. Given their size and design I find that they would not have any significant harm on the character or appearance of the host dwelling or the surrounding area. I note that other staircases in the locality are spiral; however, I do not find that a linear staircase as proposed would be significantly harmful. I therefore now turn to the

¹ Appeal Ref: APP/H5960/W/16/3143262

element of the proposal which is the Council's main concern, which is the terrace that would be on top of the extension.

12. The property has an existing second floor terrace that has recently been constructed and benefits from planning permission². This terrace sits above the existing two storey closet wing and is set back from the eaves.
13. The proposed terrace would extend the full width and depth of the proposed extension. It would be accessed from inside the property via a bedroom and there would also be access to the rear garden via an external staircase, which would replace the existing spiral staircase. Due to being on the rear of the property, it would not be readily visible from public vantage points. Although it would be visible from the rear gardens and rear windows of neighbouring properties, the obscure glazed balustrades would provide a lightweight design. These would be similar to those accepted by the Council for the second floor terrace and therefore, as they already feature on the property, would not appear incongruous. The terrace would not project significantly from the existing rear elevation and its height would respect the existing stepped hierarchy of the building with each addition being set down from the last. Overall, it would not appear visually intrusive and would not appear out of character with the tight urban setting.
14. I find therefore that the proposal would not significantly harm the character and appearance of the host property and the surrounding area. As such, it would comply with Policy DMH 5 of the DMPD, which, amongst other things, seeks to ensure that rear extensions are subservient to the original house and its setting and are not over-dominant. Furthermore, it would comply with the London Borough of Wandsworth Housing Supplementary Planning Document (SPD) 2015, which advises that terraces should not appear like an incongruous add-on.

Other Matters

15. I have had regard to the concerns raised by local residents with regard to the effect of the development on local parking provision. However, there is no substantive evidence that the terrace would result in an increase in visitors to the extent that it would significantly harm the level of parking provision.
16. I also acknowledge the planning history of the site and the alleged breaches of planning control. However, these matters have not had any bearing on my assessment of the proposal before me.

Conclusion

17. Whilst I have found that the proposal would not significantly harm the character and appearance of the host dwelling or the surrounding area, this does not outweigh the harm I have identified in respect of the harm to the living conditions of the occupants of neighbouring residential properties.
18. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR

² LPA Ref: 2016/1835