
Appeal Decision

Site visit made on 27 February 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 14 March 2017

Appeal Ref: APP/H5960/W/16/3164819
31 & 32 Montefiore Street, London SW8 3TP

- 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 Mrs Justine Carmody against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/5354, dated 13 September 2016, was refused by notice dated 8 November 2016.
 - The development proposed is creation of rear extension with a roof terrace.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the conservation area, and on the living conditions of neighbouring occupants, with particular regard to outlook.

Reasons

Character and appearance

3. The appeal site forms part of a terrace of two storey dwellings within a predominantly residential area in the Parktown Estate Conservation Area (CA). The CA is characterised primarily by tight rows of terraced housing which appear to date from the late 19th to early 20th centuries. St Philip's Church forms a focal point within the CA, contrasting with the terraces. I am required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area.
 4. Located on the corner of Montefiore Street and Thackery Road, the appeal site is a two storey brick building with a lower extension to the rear. It is of a traditional design which makes a positive contribution to the significance of the CA. The tight grain of the housing is such that many of the properties have limited outdoor space to the rear. I accept that many yards have been developed over the years, and my attention has been drawn to examples at 1a Montefiore Street and 38 and 80 Tennyson Street. However, L-shaped back yards were traditionally provided within terraces, as is the case at the appeal site, and this distinctive plot layout contributes to the spatial qualities and historic development of the CA.
-

5. The development would create a single storey rear extension within the existing yard area, with a roof terrace at first floor level. Policy DMH5 of the Wandsworth Local Plan Development Management Policies Document (DMPD, March 2016) sets out principles for alterations and extensions to dwellings. In respect of proposed rear extensions, it requires subservience to the original house, and states that a substantial depth of the original rear garden should remain free of buildings. The extension would fill in the gap between the end of the two storey rear extension and the boundary wall to the east. It would also extend across the width of the plot, significantly curtailing the yard space and altering its historic layout. It would thus fail to meet the requirements of DMPD Policy DMH5.
6. Similarly, DMPD Policy DMS2, which seeks to manage the historic environment, requires side and rear garden spaces to be conserved. The appellant states that the outdoor space does not constitute a typical rear garden layout. However, in this case, the L-shaped space is entirely characteristic of the traditional layout of the terraces, whether or not it may be described as a garden. Whilst I accept that the ground floor element of the extension would not be readily visible from the public realm, the infilling of much of the yard area would nonetheless be discernible in private views from the upper floors of nearby properties. The proposal would thus conflict with the aims of DMPD Policy DMS2 by unacceptably harming the historic form of the existing back yard.
7. Despite the set in from the boundaries, the proposed roof terrace would be visible to public view at close quarters, and from more distant viewpoints on Thackery Road. It would be enclosed by obscure glass panels at a height of around 1.1m on the Thackery Road elevation, and rising to around 1.7m high on the east elevation. The appellant states that the roof terrace would be an attractive architectural feature, but there is very little detail within the submission regarding its finished appearance. For example, there is no indication of the colour or finish of the obscure glass, and limited information regarding the framing of the structure, all of which would be crucial in terms of its visual impact on the CA.
8. I am therefore not convinced that the design of the structure would be compatible with its surroundings. Moreover, I am concerned that the sudden jump in height from approximately 1.1m to 1.7m would result in an aesthetically incoherent and unsatisfactory form. The roof terrace would thus be an incongruous development which would be harmfully at odds with the traditional appearance of the appeal site.
9. I have had regard to the previous appeal decision¹ in respect of this site. Whilst a balustraded terrace was previously proposed, the inspector's comments indicate that the development was shown in outline, although he considered that a suitable detailed design could be secured by condition. That being the case, I am unable to draw a direct parallel with the scheme before me. I note that no comment was made in respect of the loss of the yard area. However, this decision dates from 2004, thus predating by some time the current development plan policies which seek to protect garden and outdoor space. These circumstances have therefore not led me to a different conclusion on this matter.

¹ APP/H5960/A/03/999528

10. I accept that a number of roof terraces and other alterations and extensions have been carried out on Thackery Road, which is visually more diverse in character than the terraced frontages. However, each case is to be considered on its own merits. In any event, the presence of unsympathetic developments in the vicinity would not justify the further harm I have identified. I have also had regard to the letter of support for the proposal, but this has not altered my findings on this main issue.
11. Drawing these factors together, I conclude that the proposal would unacceptably harm the character and appearance of the wider conservation area. It would therefore conflict with DMPD Policy DMS2, which seeks to manage the historic environment, DMPD Policy DMS1, which sets out general development principles, and DMPD Policy DMH5, which sets out criteria for alterations and extensions.
12. Whilst the harm to the significance of the conservation area would be less than substantial (in terms of the phraseology used in the National Planning Policy Framework), this does not mean that the harm would not be significant. Furthermore, little evidence has been provided in relation to public benefits that would outweigh that harm. The proposal would improve the layout and amenity of the residential units at the appeal site, but this would constitute a private benefit. The appellant argues that the infilling of the side door to the rear yard would offer a visual improvement. However, the location of this doorway indicates the presence of the rear yard, and its appearance is typical of the modest side entrances found in such areas. I therefore do not consider that its removal would benefit the appearance of the appeal site or the CA.

Living conditions

13. The Council also raises concerns over the effect of the proposal on the living conditions of occupants at 1 Gambetta Street, which is located immediately to the rear of the appeal site. At the time of my visit, it was not possible to gain entry to this property to assess the likely impact of the proposal. However, there is little detailed evidence before me to show the degree to which any habitable rooms or outdoor space at the rear of No 1 would be affected. I am therefore unable to conclude on the degree to which living conditions at Nos 240 and 242 would be affected by the proposal.
14. There is not enough evidence before me to reach a firm conclusion on whether or not the living conditions of neighbours would be harmed. However, this issue is not determinative, as I have found the proposal to be unacceptably harmful to the character and appearance of the conservation area, for the reasons given above.

Conclusion

15. Despite the fact that I have been unable to reach a conclusion with regard to the effect of the proposal on the living conditions of neighbours, I have found that it would unacceptably harm the character and appearance of the conservation area. Therefore, taking all other matters into consideration, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR