
Appeal Decision

Site visit made on 13 March 2017

by C L Humphrey BA (Hons) DipTP MRTPI

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

Decision date: 30th March 2017

Appeal Ref: APP/H5960/W/16/3165505
8 Roedean Crescent, London SW15 5JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Nikolaus Woloszczuk against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/4192, dated 15 July 2016, was refused by notice dated 29 September 2016.
 - The application sought planning permission for 'Alterations including demolition of existing dwelling and erection of a three storey (plus basement level) 6 bedroom detached dwelling house. Associated landscaping' without complying with a condition attached to planning permission Ref 2016/0751, dated 28 June 2016.
 - The condition in dispute is No 8 which states that: The development shall be carried out in accordance with A02.10 Rev. B; A02.11 Rev. B; A02.12 Rev. C; A02.13 Rev. B; A02.14 Rev. B; A02.21 Rev. B; A02.20 Rev. B; A02.22 Rev. B; A02.23 Rev. B; A02.26 and A02.25 Rev. B (all received 03/06/2016), unless approved otherwise in writing by the local planning authority.
 - The reason given for the condition is: To ensure a satisfactory standard of development, and to allow the local planning authority to review any potential changes to the scheme.
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Decision

1. The appeal is dismissed.

Background

2. The application which is the subject of this appeal was made under Section 73 of the Planning Act for minor material amendments to a scheme that was granted planning permission for alterations including demolition of existing dwelling and erection of a three storey (plus basement level) 6 bedroom detached dwelling house and associated landscaping. Condition 8 of the original planning permission specifies the approved plans. The appeal proposal seeks permission for revisions to these plans which consist of a deeper single storey rear element to that which was originally approved.

Main Issue

3. The main issue is the effect of the appeal proposal on the living conditions of the occupants of the neighbouring residential property at 6 Roedean Crescent, with particular regard to outlook, light and overshadowing.
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Reasons

4. It is proposed to extend the depth of the rear ground floor element of the new dwelling by 3.15m beyond the approved scheme, resulting in a considerable projection beyond the main rear elevation of the adjacent dwelling to the north at 6 Roedean Crescent. The flank wall of the proposed development would be set off the common boundary with No 6 by around 1m. The finished floor level within the rear ground floor element would be higher than ground level within the garden of the appeal property and so the proposed rear projection would consequently be of a substantial height.
5. I noted during my site visit that No 6 has a number of windows and a terrace in close proximity to the proposed development. By reason of its siting and significant projection and height, the appeal proposal would have an enclosing and overbearing effect which would be harmful to outlook from these adjacent windows and the terrace.
6. Whilst the boundary wall, trellis fence and landscape treatment would provide some screening of the rear ground floor element, it would nevertheless be a large and overly dominant built feature. Although No 6 has a substantial rear garden, I would expect the terrace adjacent to the dwelling to be a well-used part of the overall private amenity space.
7. The submitted daylight, sunlight and overshadowing assessment demonstrates that the appeal proposal would result in only a minimal reduction in light levels and overshadowing at No 6. However, the absence of harm in this regard does not lead me to find the appeal proposal acceptable overall.
8. The appellant makes reference to other properties within Roedean Crescent which have been extended beyond the rear building line of adjacent properties. However, I do not have full details of these schemes and am not aware of the specific site circumstances and relationship with neighbouring properties in each case. As such, I cannot draw comparisons between these other schemes and the appeal proposal and have therefore afforded them only limited weight. In any event I must determine the appeal on its own merits, and have done so.
9. For the reasons set out above, I conclude that the appeal proposal would have a harmful effect upon the living conditions of the occupants of the neighbouring residential property at 6 Roedean Crescent, with particular regard to outlook. As such, the appeal proposal would not accord with the amenity protection aims of Policy DMS 1 of the Wandsworth Local Plan Development Management Policies Document (DMPD).
10. In addition to the development plan policy referred to above, the appellant has made reference to Policies 3.5 and 3.8 of the London Plan, Policy IS 3 of the Wandsworth Core Strategy and Policy DMS 5 of the DMPD. I have not been provided with full details of these policies but, based upon the submitted evidence, I note that they appear to relate to design matters rather than specifically to amenity protection which is the main issue in this appeal. As such, I have not had regard to these policies on this occasion.
11. The submitted evidence makes reference to the Wandsworth Housing SPD in relation to residential extensions. However, the appeal proposal is for the erection of a new dwelling rather than an extension to an existing dwelling. Although the Council refer to the Housing SPD in the officer report, the reason

for refusal set out on the decision notice does not cite conflict with it. Moreover, I have not been provided with a copy of the Housing SPD and so I am unable to reach any conclusions as to its relevance to this appeal.

Conclusion

12. The National Planning Policy Framework is clear that decisions should be taken in accordance with the development plan unless material considerations indicate otherwise. I have found that the appeal proposal conflicts with development plan policy and material considerations sufficient to outweigh that conflict have not been adequately demonstrated.
13. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

CL Humphrey

INSPECTOR