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## Appeal Decision

Site visit made on 28 March 2017

**by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC**

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

**Decision date: 11 April 2017**

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**Appeal Ref: APP/H5960/W/16/3161436**

**Flat First Floor A, 14 Brathway Road, London SW18 4BB**

- 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 Vincent Thorne against the decision of the Council of the London Borough of Wandsworth.
  - The application Ref 2016/4319, dated 7 October 2016, was refused by notice dated 30 September 2016.
  - The development proposed is a back addition mansard.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues raised by this appeal are the effect the development would have on the living conditions of neighbouring residential occupiers and on the character and appearance of the building.

### Reasons

#### *Neighbours' living conditions*

3. The appeal property is an upper flat in a terraced property with an existing dormer extension to the rear roof. In common with other properties in the terrace it has a two storey 'back addition' offshoot to the rear which is paired with that at 16 Brathway Road and faces a similar one at 12 Brathway Road, the adjoining buildings. The back additions of Nos 12 and 14 are closely spaced from one another and the two properties have a sensitive relationship as a result.
  4. The proposal would extend this back addition vertically with a box dormer type extension which would occupy much of the length of the roof although leaving a small area of pitched roof adjacent to its existing gable. The floor level, ridge and eaves of the back addition are set lower than those of the main part of the host building and the extension's roof would similarly be set lower down from the existing rear dormer.
  5. The Council advise that No 12 also contains flats and there are windows to habitable rooms on both floors of that property in the rear elevation and that of the back addition facing the site of the proposed extension. The proposal would have the effect of increasing the height of the built form facing No 12's
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- back addition, albeit that it would be slightly set back from the eaves by 0.3m (according to the appellant's figures).
6. The height, bulk and mass of the extension in such close proximity to windows in the neighbouring property would result in an overbearing and oppressive effect being experienced by the occupiers on both floors of No 12. The northern aspect of the rear of the terrace would limit the levels of sun and daylight currently experienced at the rear of No 12 and would not be reduced further to a harmful extent by the proposal. The proposed use of obscured glazing in the flank elevation windows would avoid any loss of privacy occurring. However, the avoidance of harm in these respects would not mitigate the overbearing effects.
  7. As a result the living conditions of the occupiers of No 12 would be materially harmed. The proposal would conflict with Local Plan<sup>1</sup> Policy DMS 1 which requires that development does not harm the amenity of occupiers as a result of overbearing effects, amongst other criteria.
  8. This is supported by the Council's Housing SPD<sup>2</sup> which advises that, in order to minimise the impact on neighbours, extensions in such circumstances should only extend along 50% of the length of a back addition where buildings are close together and that extensions have a sloping outside face or are set back from the eaves. The proposal would be considerably longer than the guideline and the set back would not be so great as to overcome the harmful effects on neighbouring occupiers. It would consequently be contrary to this guidance. The proposal would not accord with the National Planning Policy Framework's (the Framework) core planning principle of always seeking to secure a good standard of amenity for all existing occupants of buildings.
  9. In support of his appeal, the appellant points out that there are two extensions of very similar situation and dimensions at Nos 8 and 16 which have the benefit of Certificates of Lawfulness. The rear wall of the latter rises above the ridge of the existing back addition roof at No 14 and would adjoin the appeal proposal. From the information provided it would appear that both of these were permitted development although there is no suggestion that such rights could be exercised at the appeal property which is a flat.
  10. Whilst it is possible that these other examples may have similar effects on their neighbours, this would not make the appeal proposal otherwise acceptable in that respect. The Council point out that, other than those two, extensions to back additions in the terrace comply with its guidance and in particular are of a shorter length which would have a materially different effect on neighbouring occupiers' living conditions. The appellant points out that the Council has not sought to remove such permitted development rights from houses in the area by way of an Article 4 direction. However, just because the Council has not done so does not necessarily indicate that such a form of development would be acceptable, particularly on properties which contain flats.

#### *Character and appearance*

11. The proposed extension, as a result of its shape, form and relationship to the existing back addition roof, would appear bulky and incongruous and whose size would mean it would not appear subservient to the host building, even

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<sup>1</sup> Wandsworth Local Plan – Development Management Policies Document, 2016.

<sup>2</sup> Wandsworth Local Plan – Supplementary Planning Document: Housing, 2015.

allowing for the existing rear dormer. However, it would immediately abut the similar extension at No 16 whose rear wall is currently clearly apparent above the back addition of the appeal building. The proposed extension would appear as a pair with that at No 16. Considered in this context its effects would be considerably less harmful as it would effectively mirror the neighbouring arrangement.

12. The rear of the property is relatively discreet from views from surrounding streets. Although it would be glimpsed between intervening buildings from Coliston Passage which runs to the rear, the proposed extension would not form a prominent feature in public views as a result. In any event it would be set amongst other extensions above back additions which are present to the rear of a number of properties on the stretch of Brathway Road between Coliston Road and Coliston Passage, including those at Nos 8 and 16.
13. Notwithstanding that these other extensions have the benefit of Certificates of Lawfulness, the Council consider these are inappropriate and contrary to policy. However, they nevertheless form part of the established roofscape within which the proposal would be set. The combination of its relatively discreet location and relationship to the existing extension at No 16 would mean that the proposal would appear less out of place next to it than it may otherwise have done. It would consequently not materially harm the character and appearance of the host building.
14. The proposal would nevertheless not comply with Local Plan Policy DMH 5's requirement that rear extensions are subservient to the original house or with the aforementioned SPD guidance's length and design limitations. However, in this case, the material considerations of the existing alterations to the rear of the neighbouring property and its location would indicate that a decision otherwise than in accordance with the development plan would be appropriate in this particular respect. As the proposal would respond to the character which exists at the rear, it would not conflict with the Framework's design policies. The absence of harm in this respect does not, however, amount a positive consideration in favour of the proposal.

## **Conclusion**

15. For the above reasons, and having had regard to all other matters raised, the proposal would materially harm the living conditions of neighbouring residential occupiers and would be contrary to the development plan, supplementary guidance and the Framework. The appeal is therefore dismissed.

*Geoff Underwood*

INSPECTOR