

Appeal Decision

Site visit made on 4 May 2017

by D Cramond BSc MRTPI

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

Decision date: 18 May 2017

Appeal Ref: APP/H5960/D/17/3171695

99 Albert Bridge Road, London, SW11 4PF

- 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 & Mrs Chris Wilder against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/6881, dated 23 November 2016, was refused by notice dated 27 January 2017.
 - The development proposed is a rear extension at third floor level.
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Decision

1. The appeal is allowed and planning permission is granted for a rear extension at third floor level at 99 Albert Bridge Road, London, SW11 4PF in accordance with the terms of the application, Ref 2016/6881, dated 23 November 2016, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 3. The development hereby permitted shall be carried out in accordance with the following approved plan: ABB/1Rev1, ABB/2Rev1, ABB/3Rev1 & ABB/4Rev1.
 4. The roof of the extension hereby permitted shall not be used as a balcony, roof garden, sitting out area or for any purpose of a similar nature
 5. The extension hereby permitted shall not be occupied until the window on the south east side has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened; the window shall be retained in this form thereafter.

Main Issue

2. The main issue is the effect of the proposal on living conditions for neighbours.

Reasons

Living conditions

3. The appeal property is a four storey terraced home with a rear projection of three storeys albeit lower than their equivalents in the main house and with a
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roof terrace above. It is located in an area of high density built form with varied arrangements of rear extensions, window arrangements and outdoor amenity areas to be found in proximity. The proposal is to replace the outrigger roof terrace with a new floor to accommodate a bedroom which would lie, in the main, below the roof accommodation in the principal dwelling.

4. The Council is concerned that the new addition would harm the amenities of the neighbouring property (no. 97) by reason of loss of outlook, it being overbearing and it creating an increased sense of enclosure. Concern is also expressed that there has been a failure to demonstrate that there would not be unacceptable harm to neighbouring windows in respect to reductions in daylight and sunlight.
5. On this latter point I am satisfied with the conclusions of the Daylight and Sunlight study prepared on behalf of the Appellants; there would not be an over-riding problem to the properties on either side of the proposed extension in these regards. I am not surprised by this given the disposition of properties; the distances to the windows of the dwelling (No 101) to the north west and the favourable orientation relative to the closer windows of the dwelling (No 97) lying to the south east of the scheme.
6. In terms of enclosure or over-bearing effect and loss of outlook I am also sympathetic to the Appellants' case. I have carefully considered the relationship of the most proximate windows and roof terrace and conclude there would be very little difference to neighbours. Other than direct outlook to the rear there is presently limited scope for wide-ranging scanning from the windows or roof terraces locally due to the existing relationships to substantial walls and tall outriggers. One bedroom at No 97 would have the greatest change by, in effect, having an increased height of blinker erected. However this would not be dissimilar to the arrangement frequently found locally in this densely developed rear façade area. Furthermore the bedroom would gain privacy as the existing roof terrace does allow fairly direct viewing into this room and the ability to do this would be prevented by the planned extension.
7. Policy DMS1 of the Council's Development Management Policy Document 2016, and Supplementary Planning Document *Housing* which shares the objectives of this policy, seek, amongst other matters, to prevent harm to the amenities of neighbours. Given the foregoing I conclude that this scheme would not run contrary to this policy or the guidance document for the reasons I have given.

Conditions

8. The Council suggests the standard commencement condition along with the requirement for materials to match the existing building. I agree this latter condition would be appropriate in the interests of visual amenity. I also agree that there should be a condition that works are to be carried out in accordance with listed, approved, plan; to provide certainty. The restriction of the roof of the extension from outdoor amenity use as suggested by the Council is a valid proposition to prevent undue overlooking.
9. I note that the officer's report refers to a potential condition to prevent undue loss of privacy from the proposed side facing window and I shall apply this in the interests of residential amenity.

Overall conclusion

10. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on living conditions for neighbours. Accordingly the appeal is allowed.

D Cramond

INSPECTOR