
Appeal Decision

Site visit made on 9 May 2017

by A Napier BA(Hons) MRTPI MIEMA CEnv

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

Decision date: 26 May 2017

Appeal Ref: APP/H5960/D/17/3171053

43 College Gardens, London SW17 7UF

- 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 Stanley Pasko against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/6085, dated 17 October 2016, was refused by notice dated 26 January 2017.
 - The development proposed is ground floor front extension and first floor side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the living conditions of neighbouring occupiers at No's 17-19 St Catherine's Close and No 49 College Gardens, with particular regard to outlook.

Reasons

3. The appeal dwelling is one of a small group of four similar properties within an established residential estate. It fronts a small parking area and adjoins its immediate neighbours to one side and the rear. To the other side, it is separated from a terrace of two-storey dwellings by the rear gardens of those properties and its own side garden. A single-storey extension exists to the side of the appeal dwelling, which extends to the boundary of the site and is immediately adjacent to the conservatory of the neighbouring dwelling to the rear. The rear gardens of the neighbouring dwellings to the side are relatively modest and the single main living room of these houses faces towards the appeal site. Currently, trees exist to the rear of these neighbouring gardens which, at the time of my visit, successfully softened the visual impact of the relatively close adjacent built development.
 4. Together with single-storey additions to the front of the dwelling, the proposal seeks to provide a first floor extension above the existing side extension, which would extend across its full width to the site boundary. As a result, a two-storey flank wall would face the neighbouring properties to the side and rear. The proposal would be clearly visible from within the neighbouring dwellings and from their gardens. Due to the scale and siting of the proposal and the limited separation distances involved, the first floor element would be a visually obtrusive and unduly overbearing form of development, which would lead to an unacceptably harmful loss of outlook for those neighbouring occupiers.
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5. Furthermore, whilst I note the comments in the Council's officer report in relation to the neighbouring trees, I observed that currently these trees overhang the appeal site and, as a result, I consider it very likely that works would be required to facilitate the development proposed. There is nothing substantive before me to indicate the extent and nature of these works. Nonetheless, due to the relationship of the trees to the appeal site, I consider it very likely that the proposal would lead to a significant reduction in the screening currently provided, which would exacerbate the harm identified above.
6. Due to the siting and scale of the resulting two-storey element of the proposal, it would also result in a marked loss of sky views from within the adjoining conservatory at No 49. Furthermore, notwithstanding the respective orientation of the dwellings concerned, due to the scale of the proposal, including its height, and extremely close proximity, I consider that it would be very likely to lead to a significant reduction of light within the conservatory. Whilst I note the appellant's comments concerning the absence of an objection from the neighbouring owner, this does not represent an appropriate reason to find in favour of a proposal that would cause harm. This matter adds further weight to the harm identified above.
7. Consequently, considered overall, I conclude that the proposal would have an unacceptably harmful effect on the living conditions of neighbouring occupiers. It would conflict with the *Wandsworth Local Plan Development Management Policy Document 2016* Policies DMS1 and DMH5, where they collectively seek to protect local residential amenities. It would also not meet the similar aims of the Council's *Housing Supplementary Planning Document 2015* in these respects, or those of paragraph 17 of the National Planning Policy Framework, to achieve a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

8. The proposal would increase the amount of living accommodation within the dwelling, which would have some social and economic benefits, including to the appellant. Furthermore, it is not a matter of dispute between the main parties that the proposal would have an acceptable effect on the character and appearance of the area and there is nothing before me that would lead me to disagree with this assessment. I have also noted the pre-application advice provided by the Council to the appellant. However, none of these matters, either individually or cumulatively, would outweigh or address the harm identified or lead me to alter my findings above. As a result, overall and having regard to paragraphs 7-9 of the Framework, I find that the proposal would not represent sustainable development and, for the reasons given, would not be in accordance with the development plan as a whole.

Conclusion

9. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

A Napier

INSPECTOR