
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/17/3170865
44C St Johns Hill Grove, London SW11 2RG

- 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 Ms Yani Davis against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/5871, dated 2 October 2016, was refused by notice dated 16 January 2017.
 - The development proposed is first floor extension.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The description of the proposal used in the heading above is that given on the application form. The description used in the Council's decision notice and the appeal form is the 'erection of single storey side and roof extension to create first floor level accommodation'. From the details provided, this more accurately describes the development proposed and I have considered the appeal on this basis.

Main Issues

3. The appeal site is located within the St Johns Hill Grove Conservation Area. This is a designated heritage asset and I am mindful of my statutory duties in this regard. The main issues in this appeal are:
 - Whether or not the proposal would preserve or enhance the character or appearance of the Conservation Area; and
 - The effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to outlook.

Reasons

Character and appearance

4. The appeal site is located within a predominantly residential area situated a little distance from St John's Hill, which is more mixed in character. In the main and with some exceptions, the area as a whole has a largely regular pattern of development, with rows of buildings fronting streets leading off the main roads. Whilst the majority of buildings within the Conservation Area are older properties, within the immediate vicinity of the site there is some considerable variation in the design and scale of dwellings, with those on Cologne Road, to the rear, largely
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comprising imposing three or four storey terraced houses. Generally, those in St John's Hill Grove are more modest two-storey dwellings, many of which are semi-detached. In addition, Pembroke Mews lies immediately adjacent to the site and is a larger building containing some six flats. Whilst some more recent alterations are apparent, from the details available to me, I consider that the character of the area is largely derived from the variety and mix of historic built form and the pattern of development, including the spaces between and around the buildings.

5. The site is located immediately adjacent to a short lane and pedestrian link between Cologne Road and St John's Hill Grove. Due to the ornate bollards, granite sets, the height and configuration of the boundary wall and the more informal pattern of development within this space, this part of the Conservation Area has a particularly distinctive character. As a result of the enclosure of the site and the neighbouring rear gardens with the high boundary wall, public views of the appeal building are largely limited to those of these external walls, together with glimpsed views of the slate roof. Nonetheless, as a result of the small scale of the building, its individual design incorporating the boundary walls, its siting and visually subservient relationship to other buildings nearby, it is an important element within the streetscene, which makes a valuable contribution to the character of the area.
6. The majority of the significant additions proposed to the building would be at first floor level and would provide some screening of other additions nearby. However, whilst the proposed first floor extension would be set back from the ground floor elevations, the change from a single-storey to two-storey structure would nonetheless considerably alter the overall modest scale and appearance of the existing dwelling. Notwithstanding the materials proposed, due to the significant scale, unsympathetic design and prominent siting of this element of the proposal, it would result in a visually awkward and insensitive addition to the dwelling, which would not be subservient or complementary to it in scale or appearance. Furthermore, given the context of the site, the detrimental impact on the appeal dwelling would detract from the visual amenities of the streetscene and would materially diminish the character of the area.
7. Consequently, I conclude that the proposal would not preserve the character and appearance of the Conservation Area and would be harmful to its significance as a heritage asset, to which I give considerable importance and weight. It would be contrary to the *Wandsworth Local Plan Development Management Policies Document 2016* (LP) Policies DMS1, DMS2 and DMH5, where they collectively seek to protect local character and appearance, including in relation to the historic environment.
8. The proposal would not lead to the loss of the existing building or materially alter the boundary walls and would affect one site within a much larger Conservation Area. As a result, I consider that the harm identified, whilst material, would be less than substantial. Paragraph 134 of the National Planning Policy Framework (the Framework) requires that, in the case of designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
9. The main public benefits resulting from the scheme would be the provision of additional living accommodation for the dwelling, which is located within easy reach of a wide range of services and facilities. Improvements to energy efficiency and the fabric of the building are also proposed, which would contribute to sustaining its residential use in the long-term. It would also be likely to result in some support for local services and facilities, both during construction and after occupation. There is nothing before me to indicate that, in the absence of the

appeal proposal, the residential use of the dwelling would be at risk and, given the scale of development proposed, these benefits would be likely to be relatively limited. Nonetheless, taking into account the general encouragement in the Framework for such development, I give them moderate weight.

10. Paragraph 132 of the Framework advises that great weight should be given to the conservation of a heritage asset in considering the impact of a proposal on its significance. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and, as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. In addition, paragraph 131 of the Framework refers to the desirability of new development making a positive contribution to local character and distinctiveness. For the above reasons, I consider that the development would not make such a contribution and, as such, whilst the use of the site as proposed may be viable, it would not represent its optimum use.
11. For these reasons, the benefits of the proposal would not be sufficient to outweigh the harm identified to the significance of the heritage assets and the proposal would not meet the aims of paragraph 17 of the Framework, to achieve high quality design, take account of the different roles and character of different areas and conserve heritage assets in a manner appropriate to their significance.

Living conditions

12. The appeal building is situated to the rear of the original main dwelling at No 44, which has been converted to two flats. From the details available to me, the appeal dwelling has been in residential use for some time although it originally had a permitted use as an office/studio. From the evidence provided, it is a modest structure, with a floorspace below the minimum normally required currently for a single dwelling.
13. Notwithstanding the design details proposed, including the set back from the boundaries of the site and the profile of the extension, the proposed first floor addition would be in close proximity to an existing first floor window on the rear elevation of the neighbouring flat at No 44B. Although this room is also served by a window on the side elevation, due to the scale of the proposal and its close proximity to the neighbouring property, the appeal development would result in a significant and unacceptable loss of outlook to these neighbouring occupiers.
14. I understand that this neighbouring window has only recently been installed. However, there is nothing before me to indicate that the window is not lawful and it is necessary to consider the proposal in light of its current context. As such, the length of time that the window has been in place, and whether or not the appellant objected to its installation, are not matters that outweigh the harm identified.
15. I am satisfied that construction noise could be adequately addressed by condition. Furthermore, the Council does not dispute the conclusions of the appellant's daylight/sunlight assessment, which indicates that any loss of light from the proposal is unlikely to be materially harmful to No 44B. The evidence before me concerning the potential impact of the scheme on light and outlook for No's 42 and 44A is relatively limited. However, given my findings above, it is not necessary for me to reach a view on these matters as, even if I found in favour of the appellant in these regards, this would not address the harm identified above.
16. The proposal would result in a significant increase in the amount of living accommodation within the dwelling, as well as improvements to light and outlook for the occupiers of the appeal property. In addition to the potential benefits for the long-term use of the building identified above, I recognise that this would

materially improve the living conditions of the appellant. Nonetheless, even taking into account the modest nature of the existing accommodation, the benefits that would arise in this respect would not outweigh the significant harm identified.

17. Accordingly, overall, I conclude that the proposal would have an unacceptably harmful effect on the living conditions of neighbouring occupiers. It would be contrary to LP Policy DMS1, where it seeks to protect local residential amenities. It would also not meet the aims of paragraph 17 of the Framework, to achieve a good standard of amenity for all existing and future occupiers of land and buildings.

Other matters

18. It has been suggested that the proposal would result in increased surveillance of the adjoining lane, so reducing the potential for anti-social behaviour. However, sizeable ground and first floor windows exist to the end elevation of Pembroke Mews, overlooking the lane. Furthermore, the design of the proposal is such that the first floor windows would be set back from the boundary of the site, which would limit their potential for overlooking the lane. As such, overall, I consider that any additional benefits that would result from the proposal in this respect would be very limited and I give them minimal weight.
19. The three roles of sustainable development are mutually dependent. Paragraphs 6-9 of the Framework indicate that 'sustainability' should not be interpreted narrowly. Elements of sustainable development cannot be undertaken in isolation but should be sought jointly and simultaneously. Sustainable development also includes 'seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life'.
20. For the reasons given, I conclude overall that the harm identified to the character and appearance of the Conservation Area and neighbouring living conditions significantly outweighs the benefits of the scheme. As such, the proposal would not represent sustainable development and would not accord with the development plan as a whole.

Conclusion

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

A Napier

INSPECTOR