
Appeal Decision

Site visit made on 23 May 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 19 June 2017

Appeal Ref: APP/H5960/W/17/3170104

The Mission Hall, Walkers Place, London SW15 1PP

- 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 Keller of K L London against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/6952, dated 1 December 2016, was refused by notice dated 26 January 2017.
 - The application sought planning permission for demolition of existing building and erection of a new four-storey plus basement level building for use as either class B1 (office use) or class D1 (non-residential institutions) at rear part of ground floor and lower ground floor, class A3 (cafe) including external seating area in front part ground floor, and 6 x 2-bed flats on the first to third floors, with associated terraces/balconies without complying with a condition attached to planning permission Ref 2016/2986, dated 15 September 2016.
 - The condition in dispute is No 2 which states that: *The development shall be carried out in accordance with the approved drawings 1167/P02G; P03H; P04E; P05E; P06E; P07H; P08H; P09H; P10H; P11H; 16046-BT2; Arboricultural Assessment and Method Statement by Barrell Tree Consultancy dated 27th May 2016, ref. 16046-AA2-MW and specifications, 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.

Preliminary Matters

2. The development granted planning permission comprises the demolition of the previous building on the site and erection of a four storey plus basement level building with a mixed use, including offices, café and flats. Development has commenced with the demolition of the previous building now complete. I was able to view the site without any building present.
 3. The appeal seeks to vary a condition to allow space to enlarge the central stair and service core to include a lift to access all floors, resulting in a more accessible building but not materially altering the size of the proposed flats. This would bring the rear elevation of the central bay element closer to the rear boundary of the property with neighbouring residential properties.
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Main Issue

4. The effect of the proposed rear elevation on the living conditions of occupiers of neighbouring dwellings on Mascotte Road with particular regard to outlook.

Reasons

5. The site of The Mission Hall is located in a central position within Putney, with a mix of uses in the surrounding area including offices, retail and residential uses. Buildings to the rear of The Mission Hall and fronting Mascotte Road are two storey terraced houses, most of which have rooms within the roof, including large dormer windows with Juliette balconies. Rear gardens are small and some houses have terraces on flat roofs to the rear, which are raised such that they overlook the site formerly occupied by The Mission Hall.
6. The proposal would result in much of the rear wall at first and second floor of the building moving 1m closer to the rear boundary of the site and neighbouring properties. The ground floor below would remain in the same position, as would the third floor that would be set further away from the rear boundary. However, the additional depth to the bay would result in development being more prominent than that given planning permission, even taking into account the third floor above. This would not be outweighed by the benefits of breaking up the rear elevation and the fact that the bay only covers a proportion of that elevation. I consider that the resulting additional depth to the bay, bringing it closer to the rear boundary, would have a more dominant and overbearing effect on the outlook of neighbouring occupiers than that previously granted planning permission.
7. The original building on the site extended to the rear boundary at ground floor, with the majority of the building set a short distance from the boundary, including a rear outrigger that provided upper floors considerably closer than the proposed building. However, the outrigger was over only part of the width of the original building and was lower in height than the additional space sought here. The building would be slightly taller than the previous building at the point of the increased bay. As a result, the alterations would be more prominent on the rear gardens, roof terraces and windows of dwellings located directly to the rear of the building.
8. That is compounded by the fact that properties in Mascotte Road have limited rear garden areas, such that the harm that would be caused by the overbearing effect of the development in close proximity to those neighbouring properties would be significant.
9. For these reasons, I conclude that the additional depth to the bay at the rear of the building would lead to unacceptable harm to the outlook from neighbouring dwellings on Mascotte Road, adversely affecting the living conditions of occupiers of those properties. As a result, the development would be contrary to Policy DMS1 of the Wandsworth Local Plan Development Management Policies Document that seeks to protect the living conditions of occupiers of nearby properties, including relating to overbearing and outlook.
10. In coming to that view I have considered and accept that the parapet wall and obscured glazing would restrict views from the proposed windows, such that overlooking or a loss of privacy to neighbouring occupiers would not be affected. In addition, the limited additional depth to the building would not

unduly affect the amount of daylight or sunlight to those neighbouring dwellings such that there would be no loss of light to occupiers of those properties. The development would increase accessibility within the building, particularly for those with restricted mobility, parents and carers with young children and those carrying large objects. That is a material consideration that carries moderate weight in favour of the development. However, these matters are insufficient to outweigh the harm I have identified.

11. On the basis of the above considerations, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR