
Appeal Decisions

Site visit made on 14 June 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 06 July 2017

Appeal A - Ref: APP/H5960/W/17/3168405

Land to the rear of the ARK Putney Academy and 45/47 Westleigh Avenue, London SW15 6RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant subject to conditions of consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Barratt London Limited against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/5798, dated 4 October 2016, sought approval of details pursuant to condition No 13 of a planning permission Ref 2013/2380 granted on 13 December 2013.
 - The development proposed is demolition of the existing caretaker's accommodation, care home (45/47 Westleigh Avenue) and other existing structures in connection with the erection of 155 flats and houses within buildings ranging from two to five storeys with associated access, car parking and landscaping.
 - The details for which approval is sought are: screening to roof terrace (Plot 52).
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Appeal B - APP/H5960/W/17/3168403

Land to the rear of the ARK Putney Academy and 45/47 Westleigh Avenue, London SW15 6RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant subject to conditions of consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Barratt London Limited against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/3357, dated 9 June 2016, sought approval of details pursuant to condition No 13 of a planning permission Ref 2013/2380 granted on 13 December 2013.
 - The development proposed is demolition of the existing caretaker's accommodation, care home (45/47 Westleigh Avenue) and other existing structures in connection with the erection of 155 flats and houses within buildings ranging from two to five storeys with associated access, car parking and landscaping.
 - The details for which approval is sought are: screening to roof terrace (Plot 52).
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Decision

1. Appeal A is allowed and the details relating to screening to roof terrace (Plot 52) pursuant to condition No 13 attached to planning permission Ref 2013/2380 granted on 13 December 2013 in accordance with the application Ref 2016/5798, dated 4 October 2016 are approved.
 2. Appeal B is allowed and the details relating to screening to roof terrace (Plot 52) pursuant to condition No 13 attached to planning permission Ref
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2013/2380 granted on 13 December 2013 in accordance with the application Ref 2016/3357, dated 9 June 2016 are approved.

Main Issue

3. The main issue in each appeal is the effect of the proposal on the living conditions of neighbouring residents, with particular regard to privacy and overlooking.

Reasons

4. The appeal site is a two storey semi-detached house which is located on Plot 52 within a recent development of similar properties. The appeal relates to the provision of screening for the terrace located to the side of the house.
5. In **Appeal A**, the development comprises a clear glazed screen of around 1.1m in height to the north elevation of the terrace, with obscure glazed screens of around 1.8m in height to the east and south elevations. I noted on my site visit that this development has already been implemented.
6. Plot 46 is located directly to the north of the appeal site at a separation distance of around 13m. I note that the Council's document entitled 'Wandsworth Local Plan Supplementary Planning Document - Housing' (SPD, July 2015) does not recommend any specific separation distances between terraces or balconies and the windows of habitable rooms. However, it advises that balconies may require adequate screening to protect privacy and avoid noise and disturbance to neighbours, taking into account the position of neighbouring windows and use of habitable rooms. It also recommends that screening between private and communal areas will be required and should avoid disturbance or overlooking of neighbours.
7. As with any pair of properties with a direct line of sight towards each other, some degree of overlooking is to be expected. From the block plan, I note that the separation distance between the fronts of Plots 51 and 52 and the fronts of Plots 44 and 45 is very similar to that between the front of Plot 46 and the north elevation of the terrace. These elevations contain habitable windows which face each other directly. The separation distance and the degree of overlooking between these buildings have been found to be acceptable, and are not significantly different to the separation distance between the terrace and the house at Plot 46. I therefore consider the development to be acceptable in terms of its effect on the living conditions of occupants at Plot 46.
8. Concern has also been voiced by the Council and neighbouring residents regarding the effect of the development on occupants of North House, which is located to the north-east of the appeal site. However, there is no detailed evidence before me as to the exact position of the habitable rooms in this property and their visual relation to the appeal site. The appeal site and North House do not face each other directly, and so views from the terrace towards North House are at an oblique angle. Moreover, the stated separation distance of approximately 17 to 20m from the appeal site to North House is greater than the separation distances between dwellings within the new residential development. That fact, in conjunction with the oblique angles between the properties, leads me to conclude that the privacy of residents at North House has not been materially affected by the development.

9. Drawing these factors together, I find that the development does not have an unacceptably harmful effect on the living conditions of neighbouring residents. It therefore complies with Policy DMS 1 of the Wandsworth Local Plan Development Management Policies Document (DMPD, March 2016), insofar as it requires that development should not harm the amenity of properties nearby. I find no conflict with the guidance set out in the SPD.
10. In **Appeal B**, it is proposed to install a clear glazed screen of around 1.1m high to the east elevation of the terrace. The 1.1m high screen to the north elevation of the terrace would be retained, as would the obscure glazed screen of around 1.8m in height to the south elevation. As discussed above in relation to Appeal A, I have found that no harm to the privacy of the occupants of the house at Plot 46 has arisen as a result of the clear glazed screen to the north elevation of the terrace.
11. However, concern has been voiced in relation to the properties to the east, including North House and Selwyn House. The installation of the lower, clear glazed screen on the east elevation would allow for some greater degree of outlook for occupants on the terrace towards these properties. However, in my reasoning above, I have found the separation distance of around 13m between the appeal site and Plot 46 to be acceptable. North House is located at a greater distance away and so, even with the wider range of views that would be afforded from the terrace, there would be no material detriment to privacy at that property.
12. Selwyn House is located at a distance of around 14m from the appeal site. I have been provided with a number of photographs of the existing terrace taken from land to the east. However, there is no detailed evidence before me as to the exact position of the habitable rooms in this property and their visual relation to the appeal site. A property at Glenalmond House is referred to, but again no specific detail has been provided.
13. Therefore, due to the separation distances between the appeal site and the properties in the vicinity, and also the oblique angles of sight in the case of North House and Selwyn House, I find that the development would not have an unacceptably harmful effect on the living conditions of neighbouring residents. It would therefore comply with Policy DMS 1 of the Wandsworth Local Plan Development Management Policies Document (DMPD, March 2016), insofar as it requires that development should not harm the amenity of properties nearby. I find no conflict with the guidance set out in the SPD.
14. I have had regard to a number of other issues that have been raised by neighbours, including noise and cooking smells from barbecues. However, as cooking smells are air-borne and dispersed by the wind, 1.8m screens would not effectively mitigate them. Similarly, the screens would not be sufficient to dissipate noise from the terrace. Moreover, I note that most of the plots in the vicinity benefit from the provision of outdoor space. To my mind, it is not unreasonable to expect some degree of noise and the use of barbecues in such spaces within a built-up residential area. There is no evidence before me to suggest that activities at the appeal site have given rise to statutory nuisance to neighbouring residents.
15. Reference has been made to planning guidelines which state that a distance of 20m should be maintained between properties to avoid harmful overlooking.

However, this document has not been identified, and I note that the Council's policies do not recommend specific distances.

16. I accept that the intervening trees would lose their leaves in the winter months, and so there would be less screening between the appeal site and the properties to the west. However, this has not led me to a different conclusion.

Conclusion

17. For the reasons above, and taking all other matters into consideration, I conclude that the appeals should succeed and that approval be given to the details pursuant to condition No 13.

Elaine Gray

INSPECTOR