



Appeal Decision

Site visit made on 4 July, 2017

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 28th July, 2017

Appeal Ref: APP/H5960/W/17/3169328

265 Putney Bridge Road, London, SW15 2PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for 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 Michael Cooper against the Council of the London Borough of Wandsworth.
 - The application Ref: 2016/3267 is dated 6 June, 2016.
 - The application sought planning permission for demolition of existing rear addition, excavations of basement and erection of ground floor rear extension in connection with the use of the rear of the property as a three bedroom dwelling without complying with a condition attached to planning permission Ref: 2012/3143 dated 19 October, 2012.
 - The condition in dispute is No 9 which states that: *The development shall be carried out in accordance with the approved drawings and specifications unless otherwise approved 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 allowed and planning permission is granted for demolition of existing rear addition, excavations of basement and erection of ground floor rear extension in connection with the use of the rear of the property as a three bedroom dwelling at 265 Putney Bridge Road, London, SW15 2PT in accordance with the application Ref: 2016/3267 dated 6 June, 2016 without compliance with condition number 9 previously imposed on planning permission Ref: 2012/3143 dated 19 October, 2012 and subject to the conditions set out in the schedule to this decision.

Preliminary matter

2. Although the heading above refers to the variation of condition 9 of the original planning permission, the application for variation of conditions originally sought to vary conditions 6, 7 and 9. In Section E of the appeal form it is stated that the description of development has not changed, but nevertheless a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description has been agreed. However, it appears to me that the revised wording more accurately covers the substance of the appellant's application, and I have therefore used it.
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Main Issues

3. The main issues in this case are the effects of the proposal on the character and appearance of the area, including the Oxford Road Conservation Area, and the effects on the living conditions of future occupiers of the dwelling in respect of daylight and outlook.

Reasons

Character and appearance

4. The appeal site is at the rear of a traditional three storey commercial and residential building on the corner of Putney Bridge Road and Oxford Road. It has high boundary treatments on three sides, including a high wall, faced with yellow London stocks bricks and limestone dressings, on its boundary with Oxford Road. It sits outside, but adjacent to the Oxford Road Conservation Area. Although no detailed appraisal has been put before me, this conservation area appears to me to be characterised by good quality, substantial traditional houses of two and three storeys in a variety of styles.
5. The site is in the process of being developed as a modern, three-bedroom dwelling, which would sit at basement and ground floor levels. The appeal proposal sought amendments to the approved scheme to allow additional roof lights, to increase the footprint of the ground floor along the southern boundary, and alterations to the roof curve, including an increase to the height of the building.
6. The increase to the highest point of the roof would be 0.2 m, while on the eastern side of the house, where it would sit on the boundary wall to Oxford Road, the increase would be just over 0.4 m, with an associated rise in the height of the existing boundary wall, bringing it to around 3.2 m. It appears to me that this increase would be a relatively small one in the context of the overall approved height of the structure.
7. Because of its location, orientation and former association with No 265, the appeal site relates more directly to the commercial frontage rather than the residential streets behind it. I noted a number of high-walled structures to the rear of commercial properties along Putney Bridge Road, including a number of examples put before me by the appellant. On this basis, therefore, I conclude that the modest increase in height of the boundary wall would bring it to a height which would not be unprecedented in the area, particularly in the context of the rear of corner buildings facing Putney Bridge Road.
8. The wall would be set on the back edge of the pavement, and facing a three storey block of flats built to the rear of 263 Putney Bridge Road. Properties in Oxford Road are set back behind front gardens, and in the view into the conservation from Putney Bridge Road, the eye is largely drawn by their greenery and front boundary treatments and by the mature street trees. Thus, when looking into the conservation area, the wall would be a peripheral and not a particularly prominent feature, which would not compete visually with the dwellings along Oxford Road. The use of traditional materials and detailing would mean that it would not, either, strike a particularly discordant note.
9. I conclude therefore that the proposed increased height of the boundary wall would not harm the character and appearance of the area, or that of the nearby Oxford Road Conservation Area. As a result, the development would

not conflict with the duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area, or with the requirements of the National Planning Policy Framework to avoid or minimise conflict between the conservation of a heritage asset and any aspect of a proposal.

10. The development would not conflict with policy DMS1 of the Council's Development Management Policies Document 2016 (the DMPD), which seeks to avoid development which does not contribute positively to local spatial character, nor with policy DMS2 of the DMP, which seeks development which sustains, conserves and, where appropriate, enhances the significance, appearance, character and setting of heritage assets.

Living conditions

11. The basement level of the proposed dwelling would accommodate service/storage and bedrooms with en suite facilities. The bedrooms would receive natural light from a relatively large light well on the south side of the building. The appeal proposal includes the increase in size of a small storage/service extension on the south side of the building, and changes to the shape of the light well at ground floor level and the introduction of a staircase down to basement level.
12. The appellant has submitted a consultant's internal daylight assessment in relation to the basement bedrooms, which has followed guidance set out by the Building Research Establishment (BRE) and in the relevant British Standard, BS8206. It finds that the basement bedrooms would achieve Average Daylight Factor (ADF) levels sufficient to meet the requirements of the BS. I can see no reason to doubt this assessment.
13. Changes to the ground floor accommodation would reduce the size of the window and door openings lighting the main, open-plan living space. No technical evidence has been put before me relating to light levels for this accommodation. However, as the space would remain open plan, would retain a good sized window and glazed door, and would benefit from an additional velux roof light to the rear, I conclude that it would nonetheless receive adequate levels of natural light.
14. The increased extension on the south side of the building would have a splayed footprint, opening out from the glazing to the living room, and not therefore intruding on the outlook from that room, which would otherwise be similar to that approved, facing onto the south boundary wall. While the light well would see minor changes at ground floor level and the insertion of a staircase, it would remain relatively large and unchanged in shape where it opens out at basement level. I do not therefore consider that the proposed changes would have material effect on the outlook from the bedrooms.
15. I conclude therefore that the proposed amendments to the approved scheme would not have a harmful effect on the living conditions of future occupiers of the dwelling in relation of light or outlook. The development would not, as a result, conflict with policy DMH4 of the DMP, which seeks residential development with adequate daylight to habitable rooms. The London Housing Design SPD 2012 is concerned that dwellings have access to adequate levels of daylight, and the appeal proposal would not conflict with this.

Conclusion

16. For the reasons given above therefore, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Conditions

17. The Planning Practice Guidance makes it clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have been discharged. As I do not have information before me about the status of all the conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant.
18. As the scheme has already been started, it is not necessary to impose a commencement condition. For the same reason, it would not be reasonable or necessary to repeat pre-commencement conditions relating to facing materials, refuse storage, archaeological investigations, the planting of a replacement street tree, and the Code for Sustainable Homes. As the boundary treatments to the scheme are largely in place, and details are given on the approved plans, it would not be reasonable or necessary to attach a condition requiring details of these.
19. A condition requiring implementation of the scheme in accordance with the approved plans is added in the interests of clarity.
20. As the site is a constrained one which sits in close proximity to neighbouring dwellings, I consider that it is reasonable and necessary to impose a condition restricting the formation of further windows, doors or glazed areas in the roof in the interests of protecting the privacy of neighbouring occupiers. For the same reason, I consider it necessary to prevent by condition the future use of the roof for sitting out or similar purposes. The constrained nature of the site also leads me to conclude that it is reasonable and necessary to impose a condition preventing further extensions, additions or enlargements, in order to avoid future overdevelopment of the site.

S J Buckingham

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: P.P.02 (Rev A), P.P.04b (Rev D), P.E.01 (Rev C), P.E.02 (Rev D), P.E.03 (Rev D), P.E.04 (Rev A), P.S.01 (Rev B).
- 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or other glazed areas other than those expressly authorised by this permission shall be constructed in the roof of the dwelling.
- 3) The roof of the dwelling hereby permitted shall not be used as a balcony, roof garden, sitting out area, or for any similar purpose.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, additions or enlargements shall be constructed to the dwelling hereby approved.