
Appeal Decision

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: 31 July 2017

Appeal Ref: APP/H5960/W/17/3171371
32 Brightwell Crescent, London SW17 9AE

- 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 Juma against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/4191, dated 15 July 2016, was refused by notice dated 19 December 2016.
 - The development proposed is alterations and extensions to existing building to the rear of 32 Brightwell Crescent in connection with the creation of 5 one bedroom houses with first floor terraces and 1.7m high obscure glazed screening.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposal varies between the application form and the subsequent documents. I have used a shortened version of the description given on the decision notice as it describes the development more succinctly.

Main Issue

3. The main issue is whether the proposal would provide adequate living conditions for future occupants, with particular regard to outlook.

Reasons

4. The appeal site comprises a vacant two storey building in a courtyard area to the rear of 32 Brightwell Crescent, within a predominantly residential area. The scheme would create five new residential units which would each be provided with ground floor outdoor areas accessed from the proposed living spaces. I note that the appeal proposal is an amendment to a scheme which was granted planning permission (Ref 2013/0448) in 2013, proposing a total of four new units.
5. On my site visit, I saw that the location for the proposed outdoor areas is constrained by the size and shape of the available land, and also by the presence of a tall boundary wall to the south-east. The appeal scheme would provide outdoor areas of between 7.35 and 9.78sqm, according to the submitted plans. Whilst the garden of proposed House 5 would have a more generous provision, the outdoor spaces for proposed Houses 1-4 would be notably smaller and less well proportioned. The separation distance between

the living room doors of Nos 1-4 and the boundary wall would be approximately 2m.

6. Whilst I accept that the overall provision of outdoor space would satisfy the amenity space standards, the quality and usability of the proposed areas must also be considered. In this case, the presence of the boundary wall would significantly restrict outlook from the outdoor areas, and it would also limit the levels of sunlight and daylight experienced by future occupants whilst using the spaces. These factors, in conjunction with the narrow separation distance to the wall, would result in excessively enclosed and confined outdoor spaces which would harmfully fail to provide adequate living conditions for future occupants. I note that the living room windows would be wider than those proposed under the 2013 scheme. However, that factor would not be sufficient to mitigate the harm I have identified.
7. In reaching this decision, I have had regard to the planning permission (Ref 2016/5598) which was granted in March 2017 for five new dwellings on the site. The submitted plans show that these units would have wider, better proportioned outdoor spaces which would be considerably better in terms of quality. I have no reason to suppose that this scheme would not be implemented if I were to dismiss the current appeal. As an extant permission is in place, there would be no justification for allowing a development that would be materially more harmful to the living conditions of the future residents at the appeal property.
8. Drawing these factors together, I therefore conclude that the development would conflict with Policy DMS 1 of the Wandsworth Local Plan Development Management Policies Document (March 2016), which seeks to avoid harm to the amenity of occupiers. It would also conflict with the Council's 'Wandsworth Local Plan Supplementary Planning Document – Housing' (July 2015), whose aim is to ensure that all residential developments are designed and built to create high quality homes and contribute to a good quality environment.
9. I have been provided with a copy of the planning officer's report for a refused planning application (Ref 2015/1987) for a broadly similar development whose outdoor areas were smaller, at a proposed depth to the boundary wall of less than 2m. Under the 'Standard of Accommodation' section, the report states that 'a depth of 2 metres between the window and retaining wall is typically considered to provide the minimum outlook from a window within the borough'. However, the Council, in their statement of case, has clarified that this distance pertains mainly to the consideration of outlook from secondary bedrooms. Moreover, there is no evidence before me to suggest that this separation distance has been included in any adopted guidance or policy.
10. I agree that the proposal would otherwise make an efficient use of the land, and that the standards of the proposal internal living accommodation would be acceptable. However, these circumstances have not led me to a different conclusion on the main issue.
11. For the reasons above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Elaine Gray INSPECTOR