



Appeal Decision

Site visit made on 1 August 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: 5th September 2017

Appeal Ref: APP/H5960/W/17/3173737

435 & 437B Upper Richmond road, London SW15 5QY

- 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 Darren Farrow against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2017/0203, dated 12 January 2017, was refused by notice dated 16 March 2017.
 - The development proposed is conversion of the property from a single dwelling into 4 No flats by excavating to form a basement and extending at ground and second floor level to create one residential unit per floor; and at 437B Upper Richmond Road to remove the existing window to the flank elevation and re-position to the rear elevation.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of the property from a single dwelling into 4 No flats by excavating to form a basement and extending at ground and second floor level to create one residential unit per floor; and at 437B Upper Richmond Road to remove the existing window to the flank elevation and re-position to the rear elevation at 435 & 437B Upper Richmond road, London SW15 5QY in accordance with the terms of the application, Ref 2017/0203, dated 12 January 2017, subject to the conditions set out in the schedule to this decision.

Preliminary Matter

2. Although in Part E of the appeal form it is stated that the description of development has not changed, nonetheless a different wording has been entered, and it is different again on the Council's decision notice. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly I have used the one given on the original application, with minor adjustments in the interests of clarity and succinctness.

Main Issues

3. The main issues are:-
 - whether the proposal would result in a loss of family housing, contrary to development plan policy;
 - the effect on the character and appearance of the area; and
 - the effect on the living conditions of neighbouring occupiers in respect of outlook.
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Reasons

Loss of family housing

4. No 435 Upper Richmond Road is a large, traditional terraced house of two storeys and a small basement area, set behind a generous front garden. It sits on Upper Richmond Road, which at this point is part of the South Circular Road, a red route, and close to the junction with Roehampton Lane, Rocks Lane, and Queens Ride, the B306.
5. Policy DMH2 of the Council's Development Management Policies Document 2016 (the DMPD) states that the conversion of dwellings with less than 150 m² of habitable floorspace will only be permitted where the property is unsuitable for families. It is a matter of dispute between the parties as to whether the habitable floorspace of No 435 is above 150 m².
6. The DMPD defines habitable floorspace as all rooms used for living purposes, including kitchens, bathrooms, halls and landings (including circulation space), but excluding unconverted cellar, garage and loft space. I noted while on site that the basement room, described by the parties as a cellar, is accessed by a basic ladder stair, and has utilities such as electricity and plumbing, and a made concrete floor. Evidence has been put before me that it has previously been used as a utility room. It appears to me therefore that some works for its conversion have been carried out to facilitate that use. Although basic, and with a head height reflecting the age of the property rather than current standards, I conclude that it would as a result count as habitable floorspace according to the DMPD definition, bringing the dwelling over the threshold of 150 m².
7. Although No. 435 is set behind a front garden, the road system outside is an extremely busy one, with a major junction close by, and consequently the location is a very noisy one. Due to the red route and proximity of the junction, there is no prospect of provision of off-street parking. It appears to me therefore that notwithstanding its size, the building is in any case a location which is unsuited to a family house. Although there are other family houses in the area, they are largely set back from Upper Richmond Road along side roads, and thereby shielded from the effects of the traffic.
8. For these reasons I conclude that the development would not conflict with Policy DMH2 of the DMPD.

Character and appearance

9. This reason for refusal relates to the proposed first floor extension to No 435. This would run across the full width of the building. It would be flush with the rear elevation of No 437 and step back to just over two metres in depth where it adjoins No 433. This articulation would, as a consequence, break up its mass and avoid that element of the design being a particularly dominant one in relation to the host building.
10. Dwellings nearby in the same terrace as No 435 have been extended in various forms, including through large mansards and dormers, a large two storey extension at No 437, while a first floor extension at No 429, similar to that proposed for No 435, has recently been approved by the Council. In the context of the much-altered rear elevation to the terrace, reflecting the high proportion of residential conversions, and characterised by elements of varied character and scale, it appears to me that the proposed first floor extension would not

appear excessive in scale or be of a siting or form that would harm the overall character or appearance.

11. The development would not therefore conflict with policy DMS1 of the DMPD, which seeks to ensure that in scale, massing and appearance, development provides a high quality, sustainable design and layout that contributes positively to local spatial character. It would not either conflict with policy DMH5 of the DMPD which seeks extensions which are not so large that they dominate and compete with the original building, nor with the advice given in the Housing Supplementary Planning Document 2016, which seeks the same standards.

Outlook

12. The submitted plans and elevations show a first floor rear extension to No 433 that does not exist and has not been approved. However drawing 16:8755:12, titled "Proposed Neighbour Section" appears to be accurate and shows the extent that the proposed rear extension would project beyond the rear windows of No 433 at first floor level.
13. As the unextended rear elevation of No 435 currently sits a little behind that of No 433, the depth of the proposed projection beyond it at first floor level would be around 1.5 m. The extension at the point closest to No 433 would have a flat roof which would reduce its effect on the amount of sky visible. The section drawing shows that that when looking obliquely to the west from rear windows in nearby dwellings the large, two storey rear extension of no 437 already limits the outlook. The projection from 435 would sit in front of that in that view.
14. As a result, while there would be an effect on the outlook from the first floor window on the rear of No 433 adjacent to the proposed extension, this would be limited. The effect on the window furthest from it would be very limited. The development would not therefore be unduly overbearing, and would not materially harm the outlook for occupiers of the first floor of that building.
15. The proposal would not as a result conflict with policy DMS1 of the DMPD, which seeks development which does not harm the amenity of occupiers and nearby properties in terms of unsatisfactory outlook, nor with the advice given in the Housing Supplementary Planning Document 2016, which seeks the same standards.

Other matters

16. Neighbouring occupiers have raised a number of additional issues. The proposed terrace at second floor level would be of an appropriate scale, and privacy screens could be installed to prevent overlooking. Otherwise the development would not make a material change to a situation where there is already a degree of mutual overlooking between windows and gardens of adjacent properties. Every case should be considered on its own merits, and the development would not therefore create a precedent.
17. While the development would reduce the garden size, a large garden area would be retained, while all except one of the flats created would have some outdoor amenity space. It has been suggested that the development would have an effect on ground stability and water levels, but no convincing evidence has been put before me to support this claim.

18. Given the small scale of the development, it would not be likely to give rise to significant increases in noise and disturbance, or in vehicle movements. The development would make no provision for off-street parking for cars, although cycle parking would be provided. The site is one with a reasonable good public transport accessibility level and a railway station within easy walking distance, and it appears unlikely to me therefore that the development would give rise to a significant increase in parking demand in the area.

Conditions

19. The Council has provided a list of suggested conditions, on which the appellant has had an opportunity to comment, and I have taken them into account. A condition requiring implementation in accordance with approved plans is attached in the interests of clarity.
20. A condition relating to materials is added in the interests of protecting the character and appearance of the area. For the same reason a condition is added to secure details of the treatment of the front lightwell. Details of hard and soft landscaping are also reserved in the interests of character and appearance. Details of refuse storage and cycle parking are reserved by condition in the interests of protection the living conditions of neighbouring and future occupiers and in the interests of making adequate provision for cycle parking. I have attached a condition relating to screening of the second floor terrace, in the interests of protecting the privacy of neighbouring occupiers.

Conclusion

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

S J Buckingham

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16:8755:06A; 16:8755:07; 16:8755:08; 16:8755:09; 16:8755:10A; 16:8755:11A; 16:8755:12; and 16:8755:13.
- 3) The external facing materials to be used in the development hereby approved shall match those of the existing building.
- 4) The development shall not be occupied until the horizontal grilles to cover the front lightwell have first been installed in accordance with details which have been submitted to and approved in writing by the local planning authority.
- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping for those parts of the site not covered by buildings. The scheme shall include tree/shrub planting, parking areas, access ways, surface and boundary treatments. Development shall be carried out in accordance with the approved details prior to the occupation of any part of the development, or in accordance with a programme agreed in writing with the local planning authority.
- 6) No dwelling shall be occupied until space has been laid out within the site for refuse storage and for eight bicycles to be parked, in accordance with details which have first been submitted to and approved in writing by the local planning authority.
- 7) Notwithstanding condition 2, no development shall take place until details of the screening/enclosure to the second floor roof terrace have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the occupation of the second floor flat, and the screening/enclosure shall be retained permanently afterwards as approved.