
Appeal Decision

Site visit made on 7 November 2017

by Mike Worden BA (Hons) DipTP MRTPI

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

Decision date: 28th November 2017

Appeal Ref: APP/H5960/W/17/3180191

First Floor Flat, 33 Garratt Terrace, London SW17 0QE

- 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 Craig Daniel against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2017/1966, dated 3 April 2017, was refused by notice dated 7 July 2017.
 - The development proposed is erection of 1.7m high obscure balustrade to form 4.8 sq/m terrace at first floor level.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area and,
 - the living conditions of the occupants of neighbouring properties with regard to noise, disturbance and outlook.

Reasons

Character and Appearance

3. The appeal property is a first floor flat in a terraced house which has been converted into flats. The surrounding area is primarily residential with a row of similar terraced properties behind.
4. The proposed development is to construct a balustrade with obscure glazed screens in order to form a roof terrace at the rear of the property. The terrace would sit on the roof of the extension below and would be accessed from existing patio doors in the flat.
5. Whilst from the front of the flat I could see some roof terraces on the rear of properties on Garratt Lane, no such roof terraces are visible along the rear of the properties on Garratt Terrace and Gilbey Road within the vicinity of the appeal property. The character of the rear gardens area is one of a generally uniform pattern at first floor level with most properties having sloping roofed outriggers and small gardens or yards. There are some ground floor extensions in this reasonably tight setting.

6. Although the proposed development would be formed of a lightweight structure and would not run the full width of the ground floor extension, it would nevertheless stand out conspicuously when viewed from the backs of nearby properties. It would add to the already more box like nature of the existing first floor extension at the appeal property and would appear incongruous. The proposed development cannot be seen from public vantage points. Nevertheless, this area to the rear of the properties on Garratt Terrace and Gilbey Road has its own character and the introduction of the balustrade would stand out significantly, looking along the row of terraces.
7. I have been referred to a number of appeal decisions and decisions made by the Council in relation to roof terraces, some within the same part of the borough as the appeal site. I do not have the full details of those cases before me. The scheme at 123-125 Charlmont Road appears to be a new build where the roof terraces could be designed into the properties at the outset. The scheme at 26 Tooting High Street appears to be in quite a different character area to the current case. In the Rookstone Road case, the Council report highlights that *in many cases first floor terraces may appear as incongruous features which do not relate to their rear garden context* but set out specific reasons including a nearby extant permission, why it considered the scheme to be acceptable. In the appeal case for 30 Lysias Road, referred to me, which has some parallels with the current case, the Inspector noted that there were roof terraces in the vicinity of the appeal site although I have not been provided with the details. In any event, I have determined this appeal on its merits and on the basis of the evidence before me.
8. For these reasons I conclude that the proposed development would be harmful to the character and appearance of the area and would be contrary to Policies DMS 1 and DMH 5 of the *Wandsworth Local Plan, Development Management Policies Document 2016* (the DMPD) which respectively set down, general development principles for sustainable urban design and the quality of the environment, and principles for extensions and alterations. The proposed development would also be contrary to the guidance within the *Wandsworth Local Plan Supplementary Planning Document, Housing 2016*, especially that which relates to roof terraces at paragraph 4.167 and extensions generally.

Living Conditions

9. The proposed development has the potential to create harm to living conditions through noise and disturbance as it is possible for noise to transmit from those using the roof terrace into neighbouring properties. This is most likely to effect the occupants of the ground floor flat and second and third storey flats which sit immediately below and above the proposed terrace and the neighbouring property, 31 Garratt Terrace.
10. The access to the proposed terrace is via the flat from the kitchen/dining room which is different to the case referred to me by the Council where there was also access via an external staircase. That example, at Replingham Road, also was for a larger terrace than the one before me. In any event, I have determined this appeal on its merits and on the basis of the evidence before me.
11. The existing patio doors are likely to be often open particularly during the warmer months, and noise may filter out from the flat. However, the use of the terrace itself may well increase the potential for such noise to cause

disturbance to neighbouring properties. I recognise that the window at 31 Garratt Terrace immediately next to the proposed development at the same level, serves a kitchen. Nevertheless given its proximity the proposal may lead to an increase in noise and disturbance reaching the occupants of that property, over and above noise emanating from the use of the existing garden. I consider that the proposed development would have a harmful impact on the living conditions of the adjoining property at the first floor level at 31 Garratt Terrace due to noise and disturbance.

12. The proposed development would extend the existing development on the first floor by around 2.6m. Although not as high as the existing extension, and of lightweight construction, the proposed development would add to the bulk of it when viewed from the garden of 31 Garratt Terrace. It would appear over dominant to the users of the garden. I consider that this would have a harmful impact on outlook on the occupants of 31 Garratt Terrace.
13. I consider that the proposed development would not have a harmful effect on the living conditions of the occupants at 35 Garratt Terrace given the gap between the two. I also have taken into account the comments of the occupants of the property on Gilbey Road immediately behind the appeal property who consider that the proposed screens would help to prevent overlooking from the existing flat. However, these do not outweigh the harm which I consider would result to the living conditions of the occupants of other properties.
14. For the reasons above I conclude that the proposed development would be harmful to the living conditions of the neighbouring properties with particular regard to noise, disturbance and outlook. As such the proposed development would be contrary to Policy DMS 1 of the DMPD which sets out general development principles for sustainable urban design and the quality of the environment including amongst other things, ensuring that development does not harm the amenity of occupiers/users of nearby properties. It would also be contrary to the fourth core planning principle in paragraph 17 of the National Planning Policy Framework which seeks to secure high quality design and a good standard of amenity for all existing and future occupiers of land and buildings.

Conclusion

15. Appropriately designed and located roof terraces can provide benefits to occupiers without access to garden spaces in tight urban settings. However in this case I have found that unacceptable harm would be caused to the character and appearance of the area and to the living conditions of the occupants of neighbouring properties. For the reasons given above, and having considered all matters raised, I conclude that the appeal should be dismissed.

Mike Worden

INSPECTOR