
Appeal Decision

Site visit made on 7 November 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 30 November 2017

Appeal Ref: APP/H5960/W/17/3180644

1 Cadbury House, Dromore Road, London SW15 3ET

- 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 Ben Jones against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2017/1719, dated 23 March 2017, was refused by notice dated 31 May 2017.
 - The development proposed is outbuilding to ground floor flat with glass walkway linking to main building, providing an additional bedroom, ensuite and utility cupboard.
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Decision

1. The appeal is allowed and planning permission is granted for outbuilding to ground floor flat with glass walkway linking to main building, providing additional bedroom, ensuite and utility cupboard at 1 Cadbury House, Dromore Road, London SW15 3ET, in accordance with application Ref 2017/1719, dated 23 March 2017 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 120B; 121B; 122B and 123B as submitted with the application, unless approved otherwise in writing by the local planning authority.
 - 3) The roof of the extension hereby permitted shall not be used as a balcony, roof garden, sitting out area or for any purpose of a similar nature without the prior written consent of the local planning authority.

Procedural Matter

2. The description of development on the application form, as set out above, was changed by the Council to that which is shown on the Decision Notice. However, having considered the proposal, I find that the description on the application form most accurately reflects the nature of the proposed development. Therefore, I have used that description in my decision letter.

Main Issues

3. The main issues are the effect of the proposed development on the:
 - character and appearance of the host property and its setting; and
 - living conditions of neighbouring occupiers with regard to privacy and outlook.

Reasons

Character and appearance

4. The appeal relates to a two storey detached building, known as Cadbury House, situated on a corner plot on the north side of West Hill at its junction with Dromore Road. The property is divided into flats with Flat 1 on the ground floor being relevant to this appeal. The proposed scheme would be positioned within the private garden space of Flat 1 to the rear of Cadbury House. The surrounding area consists of a mix of building types with smaller, semi-detached properties to the north, west and east of the appeal site. To the south, on the opposite side of West Hill, is the Royal Hospital for Neuro-disability.
5. The appellant argues that the proposed development is the most appropriate and least impacting form of extension on the rear elevation of Cadbury House. I note that other, more conventional single storey rear extensions across the full width of Flat 1 have been considered. However, I find that such a scheme would create an addition which would conceal or remove from view the glazed garden doors at ground floor level which serve Flat 1. In addition, I note that such an extension would result in difficulties in reconciling a revised internal layout of Flat 1 and in providing sufficient natural light within its main living areas.
6. Furthermore, I note that have unlinked schemes have been considered. However, the appellant indicates that such schemes would be unable to meet their requirements satisfactorily in terms of providing the additional accommodation in a workable internal layout.
7. The Council argues that the scheme would compromise the relationship between Cadbury House and the land surrounding it and it would set a precedent for development which would be acceptable in the area. As such, it is argued that this would result in harm to the character and appearance of the area. I acknowledge the Council's concerns. However, there is no substantive evidence to indicate how the proposal would compromise the link between Cadbury House and its land. In the absence of this, I find that the scheme would have a very limited adverse impact on the character and appearance of Cadbury House and its relationship to its surroundings.
8. With regard to precedent, such a consideration should not form a substantive part of the basis for determining a proposal. It is accepted practice that every proposed development should be assessed and determined on its own individual merits and circumstances. As a result, I give very limited weight to the Council's point.
9. The appellant refers to a similar scheme to the proposal which has been completed in Richmond, London. I note the appellant's point that the Richmond scheme does not set a precedent and illustrates that such a proposal is possible and capable of complying with relevant policies in the Wandsworth Development Management Policies Document 2016 (DMPD). However, whilst I have given consideration to such matters, I do not have the full details of that proposal before me. Moreover, as I have stated, I must assess the appeal proposal on its own merits. Accordingly, I give limited weight to the Richmond scheme in my decision making.
10. I have had regard to the comments of the Wandsworth Conservation and Design Group (WCDG) which indicates no objection to the proposal. In addition, I note that the WCDG states that the proposed scheme would accord with Policies DMS1 and DMH5 of the DMPD. Furthermore, from what I have seen and read, I find that the proposal would have no significant harmful impact on the character or appearance of Cadbury House. Due to the low lying scale and design of the

proposed extension, I find that it would not be particularly visible from Dromore Road or the wider area.

11. In determining this appeal, I have also had regard to the special attention to be paid to the desirability of preserving or enhancing the character or appearance of the designated heritage asset which is the Rusholme Road Conservation Area (CA). The CA is characterised by late Victorian and early Edwardian residential architecture. The area consists of a range of substantial detached dwellings and although West Hill is a busy main route passing the front of Cadbury House, the majority of the CA, including the rear of Cadbury House, has a quiet residential character within a verdant suburban setting.
12. Having considered all relevant matters concerning the potential impact on a designated heritage asset, I find that the limited visibility, discreet scale and design of the proposed extension would preserve both the character and appearance of the CA. Therefore, in my assessment, the proposal would have no significant harmful impact on the CA. As such, any harm to the CA would be less than substantial.
13. The proposed development would have a very limited visual impact on the character and appearance of its host property and its scale, design and position would have no substantive adverse effect on the suburban character of the surrounding area. Although the proposal would reduce the garden space available to Flat 1, I find that the adjoining garden areas would not be adversely affected by the scheme. Furthermore, the proposal would be a subservient addition to Cadbury House and would not result in an unacceptable sense of enclosure. Moreover, the proposal would have a preserving effect on the character and appearance of the CA, as a designated heritage asset.
14. Consequently, I conclude that the proposal would have no significant detrimental effect on the character or appearance of the host property, Cadbury House, or its setting. It would therefore comply with Policies DMS1, DMS2 and DMH5 of the DMPD. Amongst other matters, these policies seek to ensure that development has no adverse impact on the character or appearance of adjacent buildings or its surroundings, including conservation areas.

Living conditions

15. The Council's reason for refusal refers to the proposal having a harmful impact on the amenity of nearby residents. Policy DMS1 of the DMPD states that proposals will be granted which do not harm the amenity of adjoining neighbours through such matters as unsatisfactory outlook and privacy.
16. The Council argues that the windows of the proposal which would face the host building would have an unacceptable adverse impact on the outlook and privacy of those occupying the upper floor flats within Cadbury House. In addition, the Council states that the occupiers of the upper floors have no outdoor amenity space. As such, it is argued, the outlook over a green area of garden space would be highly valued by those occupiers.
17. In my view, the facing windows of the proposal would be sufficiently distant from the upper floor windows, and positioned below them, that they would have no substantive impact on privacy. Furthermore, I note that the proposed facing windows of the proposed development would have a canopy screen above them to minimise any privacy and overlooking issues for future occupiers of the scheme.
18. With regard to outlook, whilst the proposal would result in a reduction in garden space, I find that its scale and design would have no significant effect on nearby

occupiers. The host property, Flat 1, would retain a garden area of around 25 square metres. Furthermore, I note through my site visit and the evidence before me that each flat within Cadbury House has access to outdoor amenity space, either space dedicated to a particular unit or the communal garden located to the north of the building and the proposed extension. The occupiers of the upper floors of Cadbury House would continue to look out across the communal garden area beyond the proposed extension which would be unaffected by the scheme.

19. As a result, having carefully considering all of the above, including its scale and design, I find that the proposed development would not substantively diminish the living conditions of neighbouring occupiers with regard to privacy and outlook.
20. Consequently, I conclude that the proposed development would have no significant adverse impact on the living conditions of neighbouring occupiers with regard to privacy and outlook. Therefore, it would not be contrary to Policies DMS1, DMS2 and DMH5 of the DMPD. Amongst other matters, these policies seek to ensure that development does not diminish the existing amenity of neighbouring residential occupiers to an unacceptable level.

Conditions

21. I have had regard to the Council's suggested conditions and have found them to be reasonable and necessary to make the proposal to be acceptable in planning terms. Where appropriate, I have amended the suggested conditions in order to better reflect the relevant guidance on conditions found in the Planning Practice Guidance (PPG).
22. In addition to the standard time condition (1), Condition 2 relating to approved plans, is required to provide clarity and certainty regarding the approved scheme. Condition 3 is necessary and reasonable for reasons of privacy and overlooking with regard to neighbouring residents.

Conclusion

23. The proposed development would provide additional accommodation to the appellant within an established residential area. The scale, design and low lying form of the proposed extension would have a very limited impact on Cadbury House and its surroundings, including the character and appearance of the CA. Although the proposal would inevitably diminish the amount of garden space around Cadbury House, I find that any harm resulting from the proposal would not be so significant as to outweigh its benefits or justify a refusal of planning permission.
24. Therefore, for the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Andrew McCormack

INSPECTOR