
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/17/3180294
118 Upper Tooting Road, London SW17 7EN

- 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 Perfect Properties Ltd against the decision of London Borough of Wandsworth Council.
 - The application Ref 2017/1554, dated 15 March 2017, was refused by notice dated 25 May 2017.
 - The development proposed is extensions and alterations to form five flats with flexible A1/A2 use together with the retention of the existing facade.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the:
 - character and appearance of the surrounding area; and
 - living conditions of neighbouring occupiers with regard to daylight, sunlight, noise and outlook.

Reasons

Character and appearance

3. The appeal relates to a three storey, mid-terrace property with a two storey rear addition and single storey rear extension which extends to the full length and width of the site. The property is located on the north west side of Upper Tooting Road and comprises a commercial unit on the ground floor with residential use on the upper floors. The surrounding area is of a mixed character with buildings of varying sizes and styles predominantly consisting of commercial premises with residential use above, particularly along Upper Tooting Road. However, there are residential properties located to the north west of the appeal site at Price Close.
4. The Council argues that the scale and design of the proposal would result in an unsympathetic and incongruous form of development which would dominate and compete with adjoining properties within the terrace. The appellant states that through the use of matching materials and sympathetic detailed design, the scheme would integrate well with the main property, the group of adjoining properties within the terrace and the wider area.

5. I appreciate that the proposal would use such materials. Nonetheless, I find that the scale and design of the scheme would be at odds with the prevailing character and appearance of the rear of the properties within the terrace. Whilst the proposal would address the unattractiveness of the rear elevation of the appeal property, it would be distinctly incongruous in character and appearance to its adjacent properties. As such, it would fail to enhance the spatial character and distinctiveness of the locality.
6. I have had particular regard to the impact of the proposed rear dormer roof extension. The Council considers it would have an adverse impact on the character of the original property and the overall character of the other properties within the terrace. Notwithstanding the appellant's arguments relating to scale, design and materials and the proposals relation to its surroundings, I find that the context of the scheme leads me to the view that the scale, design and massing of the proposed rear dormer roof extension would not enhance the character and quality of the area as it would be out of keeping with the characteristics of nearby buildings and its surroundings.
7. Having given due consideration to the above, I find that although the appeal scheme would reduce the extent of the lower levels of the building at the rear, it would increase its extent at higher and more visible levels. As a result, I find that it would have a significant impact on the character and appearance of the property and of the adjacent properties collectively. Furthermore, the rear dormer roof extension would be a dominant addition which would not be subservient to the main property. Although at the rear of the property, I find that this would be harmful to the character of the terraced properties as a whole and the wider area.
8. Consequently, I conclude that the proposed development would have a significant adverse impact on the character and appearance of the surrounding area, particularly in relation to the surrounding buildings. It would therefore be contrary to Policies PL1 and IS3 of the Wandsworth Core Strategy 2016 (CS), Policies DMS1 and DMH5 of the Wandsworth Development Management Policies Document 2016 (DMPD), the National Planning Policy Framework (the Framework) and the relevant guidance in the Council's Housing Supplementary Planning Document 2016 (SPD). Amongst other matters, these policies and guidance seek to ensure that development is of high quality design and has no detrimental impact on the character and distinctiveness of its surroundings.

Living conditions

9. The Council states that the proposal fails to demonstrate that there would be no unacceptable harm to neighbouring properties and their occupiers with regard to diminished daylight and sunlight. Furthermore, the Council argues that the proposal would be an unneighbourly form of development that would harm the outlook from adjacent properties, particularly for the occupiers of 116 and 120 Upper Tooting Road (Nos. 116 and 120). The appellant makes the point that due to the scale and distance of the proposed scheme from nearby properties including Nos 116 and 120, it would have no substantive impact on daylight, sunlight, outlook and privacy for neighbouring occupiers. The appellant also states that the proposal would provide similar noise and privacy levels to those which would normally be expected from such a development in a suburban setting.

10. The appellant has submitted no substantive evidence to support their view that the impact of the proposal on living conditions of neighbouring occupiers would be limited. Notwithstanding this, from what I have seen I consider that the appeal scheme would have a limited impact on daylight and sunlight with regard to those occupiers, particularly in properties to the north west of the proposal. This is due to the distance between those properties and the proposed scheme. Furthermore, I find that the proposed roof terrace to the rear of the property would have an adverse impact on neighbouring occupiers in terms of diminished outlook and privacy.
11. I note that the properties either side of the appeal scheme, Nos 116 and 120, have windows in their rear elevations at first and second floor level. Whilst the outlook from No 116 is partially obscured by extraction plant relating to its commercial use, the property at No. 120 has a window close to the shared boundary with the appeal property. Notwithstanding that the proposal has been reduced in its scale and extent from a previous application, I find that the cumulative impact of the proposed rear extensions would have a significant adverse effect on the outlook of occupiers at Nos 116 and 120 due to the height and depth of the rear extensions, particularly at first floor level.
12. In addition, the proposed roof terrace, at the second floor level, would have a detrimental impact on privacy for neighbouring occupiers. The rear windows of Nos 116 and 120 at second floor level would be in close proximity to the roof terrace. Moreover, I note that the roof terrace would be around 10 metres from the rear garden of 18 Price Close (No.18) at its closest and about 15 metres from the rear of the dwelling. Whilst this would be a reasonable distance, given the elevated position of the roof terrace, I find that it would have an unacceptable impact on the privacy which could reasonably be expected by the occupiers of (No.18). This could be addressed by measures such as obscured glazed screening, secured by conditions. However, in this case, I find that such an approach would not overcome other concerns relating to outlook and the impact of the proposal on character and appearance.
13. The Council has raised concerns relating to the impact of the proposal on noise levels in the surrounding area. This particularly relates to the roof terrace. I note that there is no substantive evidence from either party to support their respective case on this matter. Nonetheless, I have given due consideration to its impact. The existing building has no outdoor amenity space. As such, it is inevitable that the use of the proposed roof terrace by future occupiers of the scheme would result in an increase in the noise level experienced at the appeal property. Therefore, I find that the proposed scheme, with particular regard to the proposed roof terrace, would likely result in a significant increase in the noise level currently experienced by neighbouring occupiers and an increase in the potential for disruption.
14. Furthermore, I find it highly probable that such noise generated by future residents on the roof terrace would likely occur during evenings and weekends. As a result, this would likely exacerbate the detrimental effect of noise disruption for nearby neighbours.
15. In considering all of the above matters, I find that the proposed development would result in significant adverse impacts on neighbouring occupiers with regard to outlook, privacy and noise. I note the appellant's point that the proposal received no objections from occupiers of the adjacent properties

regarding residential amenity matters. However, an objection from the occupier of 18 Price Close regarding amenity concerns was received. Notwithstanding this, a lack of objection does not automatically result in an acceptable proposal. Moreover, each proposal must be assessed and determined on its own merits and circumstances. Accordingly, based on the evidence before me, I confirm that this is the approach I have taken in reaching my decision.

16. Consequently, I conclude that the proposal would have a significant detrimental effect on the living conditions of neighbouring occupiers with particular regard to noise, privacy and outlook. Therefore, it would be contrary to Policy DMS1 of the DMPD and the relevant guidance within the Housing SPD. Amongst other matters, this policy and guidance seeks to ensure that development has no detrimental impact on the living conditions of neighbouring occupiers.

Planning Balance

17. The proposed scheme would provide five residential units which would constitute a net increase in dwellings on the site. In addition, the appellant states that these units would contribute to local need for low cost housing. Furthermore, I note that the proposed development would provide an area of outdoor amenity space for future occupiers through the proposed roof terrace.
18. Notwithstanding this, the Council has identified that it has a five year supply of deliverable housing land. Therefore, the provision of additional residential units is not justified on that basis alone. In addition, the appellant has provided no substantive evidence to support their argument that the proposed flats would be low cost affordable units rather than full market value units. With regard to the proposed roof terrace, whilst this would undoubtedly be a benefit to future occupiers, I find that the adverse impacts on living conditions, regarding noise and privacy in particular, would be of greater significance to the surrounding area.
19. As a result, having considered all of the above, including the impact of the proposal on its surrounding properties, occupiers and wider area, I find that the significant harm I have identified would clearly and demonstrably outweigh the benefits of the scheme.

Conclusion

20. Therefore, for the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR