



Appeal Decision

Site visit made on 29 March 2019

by N Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 August 2019

Appeal Ref: APP/H5960/W/18/3218352

95 Falcon Road, London, SW11 2PF

- 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 and Mrs Daniel and Feifei Chloe Bahmann against the decision of London Borough of Wandsworth.
 - The application Ref 2018/4435, dated 16 September 2018, was refused by notice dated 27 November 2018.
 - The development proposed is formation of a terrace at rear of first floor with privacy screen.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Part of the appeal proposal has been carried out in that the terrace is constructed and appeared to be in use. However, I note that the plan cited on the Council's decision notice shows the introduction of 1.7m trellis panels, which were not in place at the time of my visit. I have determined this appeal on the basis of the information shown on drawing reference 2316/T/01 revision A.
3. The appellants have made some reference to amending the scheme to reduce the extent of the terrace. However, such an amendment could materially alter the nature of the proposal and potentially prejudice the interests of interested parties. I have therefore made my assessment on the basis of the information that formed the planning application.

Main Issues

4. The main issues in this case are the effect of the proposal on the:
 - Character and appearance of the host building and the area; and
 - Living conditions at neighbouring properties with regard to outlook, light and noise levels.

Reasons

Character and appearance

5. The appeal site contains a three-storey building with a commercial use at ground floor. The upper floors contain a flat and steps from one of the rear rooms lead to a terrace area which is built on top of the flat roof of the ground floor unit. At the time of my visit it was enclosed by timber balustrading. In the event that the appeal was allowed, trellis panels could be applied to the inside edge of that balustrading.
6. The materials used for the balustrade give the enclosure a rather temporary appearance and that would be heightened by the introduction of the trellis. Its character and use of materials would not relate well to that of the building or others around it. This would be particularly problematic given the height of the structure above ground level and that it would be clearly visible from neighbouring windows and gardens.
7. I viewed the existing terrace at the Fire Station on my visit. The Council says that it is historic and was carried out under a different planning policy regime and the appellants do not dispute that. Whilst it has an effect on the character of the area, I saw that the impact is not a positive one and that it has not changed the character of the area to the extent that upper floor wooden enclosures are a prevailing feature of the area. There are much smaller examples at 81-91 Falcon Road, but these are not of the same size or appearance as the appeal proposal. None of these examples persuade me that this proposal should be found acceptable.
8. Whilst there would not be views of the terrace from the public realm, that does not negate the need for high quality design in views from nearby properties, which for the reasons stated previously the appeal proposal would not represent. Accordingly, I find that there would be harm to the character and appearance of the host building and the area, in conflict with policies DMS1 and DMH5 of the Wandsworth Local Plan Development Management Policies Document 2016 (DMPD), which seek amongst other requirements, to secure a high quality of design.

Living conditions

9. The terrace is built in close proximity to a window serving an upper floor flat at No 93 Falcon Road. I viewed this window on my visit and it was clear that the introduction of the terrace significantly reduced outlook from the window and limited the amount of light that could be received by it. These impacts could be increased if a trellis, screening or landscaping was introduced.
10. The appellants describe that this window serves a kitchen, which the Council does not dispute. The appellants say that the kitchen should not be regarded as a habitable room because the property is a one bedroom flat and so would not likely accommodate a kitchen of 13m², which the Council describes as the correct standard.
11. However, the fact that it is a small flat, with a likely greater reliance on a smaller number of windows, makes it particularly important that access to outlook and light from windows is maintained. Based on what I have seen and read, the impact of the terrace would likely make that kitchen feel dark and gloomy. Outlook from the window would principally be of the side of the terrace at close quarters. I have not been made aware of, and did not see on my visit, any further windows serving that room.

12. I am satisfied that the effect of the terrace on that window, and so the quality of living accommodation provided at the neighbouring flat, should be described as unneighbourly and harmful.
13. The Council is also concerned that noise and disturbance associated with the use of the terrace could cause further harm to neighbours. I note the appellants' position that it would likely be no more disruptive than a regular rear garden, and that they do not intend to use the terrace for large gatherings. However, given the size of the space and its elevated position and particularly given its very close proximity and relationship with the kitchen window that I have described, I consider that noise and disturbance would be more likely to result in problematic impacts than might be the case for a standard garden area at ground floor level.
14. Accordingly, the proposal would be in conflict with policies DMS1 and DMH5 of the DMPD and the Housing Supplementary Planning Document 2016, which all seek, amongst other requirements to protect living conditions of neighbours to development.

Conclusions

15. For the reasons that I have described, this appeal is dismissed.

N Smith

INSPECTOR