



Appeal Decision

Site visit made on 30 July 2019

by M Harris BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2019

Appeal Ref: APP/H5960/W/19/3229405

297-301 Balham High Road, London SW17 7BA

- 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 Mrs L Boys (Belgravia House Ltd) against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2019/0681, dated 14 February 2019, was refused by notice dated 11 April 2019.
 - The development proposed is for alterations including erection of roof extension to main rear roof, formation of roof terrace to the rear with 1.8m high screen surround; erection single storey side/rear extension in connection with the conversion of 3 x 1 bedroom and 1 x studio flats into 2 x 2 bedroom, 3 x 1 bedroom and 1x studio flats.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form cites the address as 297-301 Balham High Road however the decision notice and appeal form refer to it as 301 Balham High Road. The banner header reflects the application form however it is clear from my visit that the proposals relate to No 301 Balham High Road.

Main Issues

3. The main issues are:
 - i. the effect of development on the character and appearance of the original building and local area;
 - ii. the living conditions of future occupants; and
 - iii. the living conditions of the existing residents.

Reasons

Character and appearance

4. The appeal site is located behind properties fronting Balham High Road, a busy road with a broad range of services including Tooting Bec underground station. The development pattern of the wider area is typified by terraced residential streets and in general terms is an established built up urban area. The site is served by a gated access route underneath the buildings on Balham High Road and is enclosed by buildings together with vegetated boundaries.

5. The building is part single/part two storey comprising three ground floor flats and a first floor studio with roof terrace. There are extant planning permissions in place to extend two of the ground floor flats to provide additional bedrooms. The appeal proposal seeks to add to this through the provision of a roof extension that would mirror the existing mansard roof together with additional ground floor single storey extensions.
6. It is clear from the evidence that the potential extension of the building has been considered previously with concerns at that time raised in respect of massing and the extensions overly dominating the host building. As I do not have further details of those proposals, my decision is based on the plans before me together with my observations on site.
7. The building is simple in form with no distinguishing architectural features. By virtue of its siting to the rear of properties fronting Balham High Road, it is not visible from the public realm. However, it is surrounded by development and as such is exposed in views from a number of existing properties.
8. The proposal seeks to maximise the space available within the site together with the footprint of the flat roof area. In developing across this area, the proposal extends to the maximum area of the site. This would be disproportionate relative to the scale and form of the host and as such would dominate and compete with the existing building. As such, the proposal would result in an unsympathetic form of development which in turn would detract from the locality causing harm to the character and appearance.
9. The evidence indicates that the proposal would match the host building in respect of materials and architectural details. However, it is stated that the extensions would also be comparable with buildings immediately surrounding the site. In my judgement, seeking to match the scale of neighbouring buildings would be inappropriate given the constrained scale and nature of the site and as such the proposal is inappropriate and results in harm by virtue of the increased massing and over development.
10. The evidence identifies two Grade II listed buildings sited in the wider area, the redbrick St Anselm's Church and associated St Anselm's Convent School, the setting of both being characterised as a densely developed urban form which has seen and continues to see change. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, together with the National Planning Policy Framework (the Framework) requires me to assess the impact of development, giving special regard to the desirability of preserving the setting of the listed buildings and considering whether the setting would be harmed by the proposals. In doing so I have had regard to the Council's previous assessment which concluded that their setting would be preserved. In the context of what is currently present and the evidence before me, I agree with the Council and do not consider that this would result in harm to the setting of the listed buildings.
11. In conclusion, the combination of further development on both the ground and first floor levels results in the proposals dominating the host building and appear as overdevelopment of what is a small and constrained infill site, negatively impacting on the character and appearance of the original building and local area. As such, the proposal would be contrary to Policies DMS1 and DMH5 of the Wandsworth Local Plan Development Management Policies Document (March 2016) which seek to protect the local spatial character

through good design and ensure alterations and extensions are not so large as to dominate and compete with the original building.

Living conditions of occupants

12. The proposed studio flat would be single aspect with a window and door to the main elevation together with two roof lights, one over the main living space and another over the kitchen. A small terrace would be provided immediately in front of the property within an area of shared driveway space.
13. The proposal at first floor level includes converting the existing studio flat into a 1-bed flat with side terrace over the proposed ground floor extension. Whilst separated by a 1.8 metre high obscured glass screen the terrace would be in close proximity to the roof light serving the kitchen area of the proposed ground floor studio flat.
14. Although served by roof lights, the single aspect layout and limited windows, combined with the depth and width of the studio is such that the levels of daylight/sunlight reaching habitable rooms would be below what might be reasonably expected. The outlook from the property, and the available daylight/sunlight, would be further limited by the sense of enclosure resulting from the proposed 1.8 metre fencing to the terrace being situated directly in front of the single window serving the property. No evidence is before me to demonstrate that daylight/sunlight reaching the property would be acceptable.
15. With regard to the first floor roof terrace, this would be sited in close proximity to the roof light serving the kitchen area of the studio and would be likely to result in unacceptable noise and disturbance to the ground floor occupants.
16. Whilst I agree with the appellant that Policy DMH7 (regarding the size of external garden/amenity space) does not apply to studio flats and that there is no undue harm in respect of the size of the terrace, the proposal would result in a substandard level of accommodation for the future occupants as a result of poor levels of outlook, daylight/sunlight together with noise and disturbance. This would result in unacceptable living conditions for future occupants and fail to accord with Policies DMS1c (seeking to protect occupiers from unacceptable noise and unsatisfactory outlook) and DMH4 (with regard to providing adequate daylight to habitable rooms) of the Council's Development Management Policies Document (2016) together with the Supplementary Planning Document: Housing (2016) in respect of guidance on residential extensions.

Living conditions of neighbours

17. The existing ground floor flats have private gardens to the rear; the existing first floor terrace has the ability to overlook those of Nos 7 and 8.
18. The proposal seeks to provide a new 1-bed flat (No 11) at first floor level in the location of the existing roof terrace serving No 10. A terrace would be accessible from both the living/dining space and bedroom of the new flat.
19. The proposed roof terrace is smaller than the existing however by virtue of the majority of the space being positioned closer to the rear gardens of the ground floor flats it has the potential for greater overlooking of the gardens with a consequent loss of privacy. There is also a risk of noise and disturbance associated with doors to the living space being left open.

20. The proposed ground floor studio includes a fenced terrace space within the existing driveway. This terrace would be located in close proximity to the window of what, once the works to extend that property have been completed, will be a bedroom of flat No 9. Given this proximity, there would be potential for excessive overlooking together with noise and disturbance to the occupants of flat No 9.
21. In addition to the impact on existing residents of the host building, the evidence indicates that No 297-299 Balham High Road has residential accommodation at ground and basement floor levels, the latter gaining daylight/sunlight from a lightwell.
22. Whilst the ground floor extension to flat No 7 has been previously approved, the proposed roof extension to create flat No 11 would lead to further development, of greater height and bulk, in proximity to the neighbouring building. The effect of this would be an overbearing sense of enclosure and detrimental impact on outlook and levels of daylight/sunlight reaching the basement residential units. As with the proposed studio flat, no evidence relating to daylight/sunlight has been presented to demonstrate whether the impact would be acceptable.
23. In light of the above, there would be an overall unacceptable impact on the living conditions of existing residents of flat Nos 7, 8 (owing to the first floor terrace) and 9 (due to the ground floor terrace) together with neighbouring properties, contrary to Policy DMS1 of the Development Management Policies Document (2016) and the Council's Supplementary Planning Document: Housing (2016) both of which seek to protect the amenity of occupiers and nearby properties.

Other Matters

24. I acknowledge that the internal floorspace of the proposed dwellings would appear to meet the Technical Housing Standards – Nationally Described Space Standard 2015. The appellant has also highlighted the benefit that small sites can play in the delivery of housing, including their potential for faster build out rates, and that the proposal would constitute starter homes.
25. Whilst acknowledging these points, I agree with the Council's position insofar as they highlight that there is no planning obligation associated with this proposal to secure the proposals as starter homes in accordance with definition set out in Annex 2 of the Framework. For this reason, I do not find that the potential for faster build out of the proposed studio and flat, nor the adherence with the space standards, is sufficient to outweigh the harm found in relation to other matters.

Conclusion

26. For the reasons set out above the appeal is dismissed.

M Harris

INSPECTOR