



Appeal Decision

Site visit made on 1 October 2019

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 12 November 2019

Appeal Ref: APP/H5960/D/19/3228509

5 St Anthonys Close, London SW17 7UD

- 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 Patrick Dowling against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2019/0198, dated 16 January 2019, was refused by notice dated 25 March 2019.
 - The development proposed is the erection of a ground floor single storey side extension to 5 St Anthonys Close.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the determination of the application the proposed development was amended and revised plans were submitted to the Council on which it made its decision. The appellant has requested that both the original plans and the revised plans are considered by the Inspector as part of the appeal. It is important that what is considered by the Inspector is what was considered by the Council in its final determination of the application. I have therefore determined the appeal on the basis of the revised plans.
3. I was asked by the Council to view the appeal site from the neighbouring property of No 4 St Anthonys Close (No 4). In the event, I was only able to view the appeal site from within the private outside amenity space of No 4. However, I was satisfied that I was able to consider all potential effects on the occupiers of this neighbouring property.

Main Issues

4. The main issues are (i) the effect of the proposed development on the character and appearance of the host building and the surrounding area; and (ii) whether or not the proposed development would provide sufficient outside amenity space for the occupiers of No 5 St Anthonys Close.

Reasons

Character and appearance

5. No 5 St Anthonys Close (No 5) is located within a cul-de-sac in a small residential estate dating from the early 1980s. There is some variety in the size and the type of dwellings within the estate, but the materials of brown brick

and tiles to the roofs are generally consistent, giving some uniformity to the streetscene.

6. No 5 is part of a group of four, two storey dwellings which back onto and adjoin each other in a square arrangement, with a dual pitched roof over the four dwellings. It has a small enclosed area of outside amenity space to the front and side of the property.
7. Policy DMS1 of the adopted Wandsworth Local Plan Development Management Policies Document 2016 (DMPD) broadly requires development to have a high level of physical integration with its surroundings and contribute positively to local spatial character. Policy DMH5 of the DMPD requires, amongst other things, that an extension is well designed and is not so large that it dominates and competes with the original building and that side extensions do not cause a terrace effect. Guidance relating to side extensions within the Council's Housing Supplementary Planning Document 2016 (Housing SPD) states that care should be taken to ensure it fits into the street well and that it should follow the basic rules of being set back from the front façade of the house, use a pitched roof and use materials to match the main house.
8. At present, none of the dwellings in the cluster arrangement of four, which includes No 5, have been extended. In this respect, the proposed single storey side extension would alter the character and appearance of the host building and the local spatial character of the immediately surrounding area. However, given that the extension would be subordinate in size and scale to the host building, I consider that it would not dominate or compete with it or the adjacent properties.
9. I acknowledge that the extension would be highly visible from within the cul-de-sac of St Anthonys Close and from the pedestrian route between St Anthonys Close and College Gardens, and that it would not be set back from the main front façade of the building. However, I consider that the incorporation of a pitched roof and use of materials to match the existing building would allow it to integrate acceptably with the host building and the streetscene.
10. Accordingly, I conclude that the proposed development would not have a harmful effect on the character and appearance of the host building and the surrounding area. As a result, it would not conflict with Policies DMS1 and DMH5 of the DMPD and the Housing SPD.

Provision of outside amenity space

11. Due to the cluster arrangement of the four dwellings, No 5 does not possess a rear garden and the only available outside amenity space for the occupiers is located to the side and front of the property. The space to the side is enclosed by a high close-boarded timber fence which provides a degree of privacy from the pedestrian route between St Anthonys Close and College Gardens. The space to the front is enclosed by a low timber fence. At present, some of the space is overgrown with vegetation.
12. The Council's refusal notice refers to Policy DMH7 of the DMPD. This requires the provision of a minimum of 10 metres square dedicated amenity space for new build residential development, excluding footpaths, parking areas, access ways and side or front gardens. One may take the view that this policy is not

directly relevant to the appeal proposal as it relates specifically to new build residential development. Nonetheless, the policy does provide a useful starting point in terms of assessing the proposed development in terms of this main issue. In addition, and perhaps of more relevance, is the guidance relating to outside amenity space within the Council's Housing SPD, which states that the nature and scale of amenity space should be appropriate to the location of the development and the character of the area within which it is situated and that in taking account of usable space, access ways, service and parking areas, and any front gardens or other incidental awkwardly shaped spaces are not counted in the calculation.

13. The proposed single storey side extension would result in the loss of all of the space to the side of No 5. This would leave only a small space of approximately 16.5 metres square to the front. I consider that, owing to the limited size of the remaining space and its exposed nature, immediately adjacent to a path and parking spaces within the cul-de-sac, it would be unlikely that it would be regularly used as a practical and private outside amenity space by any occupiers of No 5. As such, it would have a harmful effect on their living conditions.
14. For the reasons above, I conclude that the proposed development would not provide sufficient outside amenity space for the occupiers of No 5. There would, therefore, be direct conflict with Policy DMH7 of the DMPD and the Housing SPD, although I acknowledge that these relate to new build residential development and what is proposed is an extension. Even if one were to take the view that the aforementioned policy and SPD were not directly relevant, the proposed development would, in any event, fail to accord with Paragraph 127(f) of the National Planning Policy Framework which seeks to create places with a high standard of amenity for existing and future users.

Other Matters

15. I note that the appellant highlights that the space to the side of the property is of poor quality and limited value, not usable as amenity space and is predominately used for storage. Therefore, he states that its loss would have no impact whatsoever on the quality of the accommodation. I accept that the space is somewhat unattractive at present, but that, in itself, does not justify its loss. Whilst the space may not be well used by the existing occupiers, it is necessary that there is an acceptable amount of usable outside amenity space for both existing and future occupiers of the property. It is apparent that other similar spaces at adjacent dwellings, such as No 22 College Gardens, are used as outside amenity space and I see no reason why the space at No 5 could not also be used in this way.
16. I acknowledge that the proposed development would increase the amount of internal space, which is currently substandard, and, in this respect, improve the quality of the accommodation. I am also aware Policy DMH1 of the DMPD states that one of the instances where the loss of land previously used in whole or in part for residential purposes will be permitted is when it would result in the upgrading of substandard residential accommodation. However, the improvement of the internal space would cause the loss of a significant amount of the, already very limited, residential land and outside amenity space around the building. On balance, I do not consider that the improvement to the internal living conditions outweighs the loss of outside amenity space.

17. I have had regard to the fact that the revised proposed development includes a landscaping scheme and that the appellant is willing to accept a condition being imposed that would provide a similar front garden treatment to those at neighbouring properties. I acknowledge that this may improve the appearance of the space to the front of the dwelling. However, I consider that it would not necessarily make the space more usable and, as such, would not compensate for the loss of the outside amenity space to the side.
18. I note that the appellant highlights that the appeal property is only a one-bedroom unit with less requirement for outside amenity space than a family home and that it is in close proximity to areas of public outdoor space. However, the Council's Housing SPD states that the proximity of public parks, riverside walks and other public open spaces are not substitutes for private amenity space. Therefore, I do not consider that this justifies the harm that I have found.
19. The appellant has drawn my attention to a number of existing single storey side extensions to properties in the surrounding area, particularly to No 1, No 3 and No 4 St Anthonys Close¹. These are of a similar size or larger to that proposed at No 5 and have been considered acceptable and granted permission by the Council under the same development plan policies used to assess the application at No 5. I viewed these extensions when on site and noted that, although the extensions are similar in location and form relative to the host buildings, these dwellings originally had larger areas of outside amenity space than No 5 and have retained larger areas of usable and private outside amenity space than is proposed at No 5. On this basis, I do not consider them directly comparable to the appeal before me. In any event, the presence of apparently similar extensions is not, in itself, a reason to allow unacceptable development. I have determined the appeal before me on its own planning merits and found that it would cause harm.
20. I note that the revised proposed elevations submitted are inaccurate and that this is highlighted by the Council in its delegated report. It is imperative that plans are accurate to avoid uncertainty about what is proposed. However, it has been possible for me to establish what is proposed as a consequence of considering the plans and reports together. As I am dismissing the appeal, as distinct from allowing it, it has not been necessary for me to consider the accuracy of the plans any further.
21. None of the other matters raised alter or outweigh my overall conclusion on the main issues.

Conclusion

22. Although I have concluded that there would be no harm to the character and appearance of the host building and the surrounding area, this counts neither for nor against the proposed development. Moreover, I have concluded that the proposed development would not provide sufficient outside amenity space for the occupiers of No 5. This is a matter of overriding concern and therefore I conclude that the appeal should be dismissed.

F Cullen INSPECTOR

¹ No 1 St Anthonys Close 2016/3769, No 3 St Anthonys Close 2014/2090 and No 4 St Anthonys Close 2014/4877