
Appeal Decision

Site visit made on 7 November 2019

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2019

Appeal Ref: APP/H5960/W/18/3217951
96 Chelverton Road, London SW15 1RL

- 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 Simon Crawford against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2018/4299, dated 6 September 2018, was refused by notice dated 23 November 2018.
 - The development proposed is the removal of existing fire escape which is in a poor state of repair. Replacing the landing area at the top of the fire escape with two small balconies to allow continued access through the external doors of the top two flats. Building control approval already received.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development has already been undertaken and therefore I have determined this appeal on that basis.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of the adjacent dwellings, with regard to overlooking and a loss of privacy.

Reasons

4. The balconies allow uninterrupted views towards and across the rear garden areas of the adjacent dwellings, and into the windows and roof lights of the adjoining dwelling, from close proximity. Whilst a degree of overlooking between properties in urban environments is to be expected, the direct views afforded from the balconies together with their closeness has substantially reduced the privacy enjoyed by the occupiers of these dwellings. As a result, I find that the development has caused significant harm to the living conditions of the occupiers of these properties.
5. The appellant has made reference to the previous presence of a fire escape, which has been removed from the property. The balconies differ however in that they are exclusive to each of the flats they serve and are purposely designed and provided to allow residents to stand and sit out on. In any event, I am required to consider the appeal development on its own merits and, whilst

the information provided about the fire escape is noted, I give it only limited weight and it does not outweigh the harm I have found.

6. Correspondence has been received which suggests that an objection to the development made by the occupier of a neighbouring property has been withdrawn, although this has not been verified through the planning application process. However, regardless of the status of the objection, I am required to make my own assessment of the development and I have identified that significant harm has occurred.
7. For the reasons stated I conclude that the development has caused significant harm to the living conditions of the occupiers of the adjacent dwellings, through overlooking and a loss of privacy. The development therefore conflicts with Policy DMS1 of the Wandsworth Local Plan Development Management Policies Document 2016, which seeks to safeguard living conditions. The Council has also referred to Policy DMH5 on its decision notice, however that policy does not refer to the specific type of development undertaken, or to living conditions, and is therefore not relevant to the appeal development.

Other Matters

8. The appeal site is within the Charlwood Road/Lifford Street Conservation Area (CA) and in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA. Due to their size, design and positioning, the balconies are visually acceptable in this location and have not caused harm to the character and appearance of the CA. Accordingly, the character and appearance of the CA has been preserved. The absence of harm in this respect does not however outweigh the significant harm to living conditions that I have identified.

Conclusion

9. For the reasons given above, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR