



Appeal Decision

Site visit made on 19 November 2019

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2019

Appeal Ref: APP/H5960/W/19/3236820

101 Moring Road, London SW17 8DN

- 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 G Shanks against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2019/1597, dated 10 April 2019, was refused by notice dated 13 August 2019.
 - The development proposed is the erection of a new self-contained one bed dwelling, on land adjoining 101 Moring Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposal on the character and appearance of the area, and (ii) whether or not the proposal would provide suitable living conditions for future occupiers of the appeal site and for residents of neighbouring properties.

Reasons

Character and appearance

3. Moring Road is a residential street of largely terraced properties, with a small number of different designs, and a generally consistent character and appearance within the design groups. The appeal site is at the end of one short terrace, adjacent to a purpose-built block of flats, Elizabeth Court. As a result, the appeal site has a larger side-garden and a more open side aspect than other terraces in the street.
4. The appeal proposal would infill the gap between the host property and the boundary wall to the parking at the rear of the adjacent flats. From the front and the side, it would appear markedly different to the host terrace and the rest of the street, with a flat-roof and flush front elevation and would appear narrower and more cramped in its plot than the rest of the terrace.
5. Although I acknowledge the design cues which the proposal takes from the surrounding development, including those features of the host Edwardian terrace which add positively to the character and appearance of the area, I do not consider that the proposal itself would have the same positive effect.

6. The appearance of the proposal, both from the front, and along the road which gives views of the side elevation would contrast strongly with the established and traditional character of the road. Whilst I acknowledge that Elizabeth Court is itself somewhat different to the rest of the street, it is a discretely different element in the street scene, whereas the appeal proposal cannot be separated from the character of the terrace which it extends.
7. I note the comment of the appellant that the proposal is a contemporary design, intended to draw upon design features and the material palette of the area. However, I do not agree that the street is so varied that the design would not stand out. I consider that as a result of the size, design and siting of the proposal, it would be an unsympathetic and incongruous addition to the street scene, and that it would cause harm to the character and appearance of the area.
8. The appellant has drawn my attention to a number of other, implemented developments in the nearby area in order to support the appeal proposal. However, I consider that each of them is sufficiently distinct from the appeal proposal in terms of its site, setting, character, appearance and design that they do not alter my conclusions above on the harm which the proposal would cause to the character and appearance of the area.
9. The proposal would therefore be contrary to Policies DMS1 and DMH5 of the Wandsworth Local Plan Development Management Policies Document, adopted March 2016 (the Local Plan), which seek, amongst other things to ensure that development is well-designed, and of a scale, massing and appearance which leads to high quality development, contributing positively to local character, in sympathy with the local area. The proposal would also conflict with the requirements of the National Planning Policy Framework to deliver well-designed places.

Living conditions

10. Policy DMH7 of the Local Plan requires a minimum of 10 square metres of dedicated, high quality and usable outdoor space for a residential unit of this size and excludes from that area any side or front gardens. The proposal therefore fails to meet this requirement, as the appellant has included the front garden in their calculation of overall outdoor space. I do not consider that the policy requirement for the minimum amount of outdoor space to be provided at the rear should be set aside in this case, and the appellant provided no evidence to suggest why I might do so.
11. In light of the requirement for outdoor amenity space to be both high quality and usable, I am also concerned that the cycle parking proposed, can apparently only be accessed through the property itself.
12. The proposal would not therefore provide acceptable living conditions for future occupiers with regard to the provision of high quality, usable outdoor amenity space.
13. Turning to the effect of the proposal on the living conditions of residents of neighbouring properties, the proposal would have an effect on residents of both the host dwelling and the adjacent purpose-built block of flats, Elizabeth Court.

14. The proposal would cause harm to the living conditions of Elizabeth Court by shortening their outlook, giving rise to an overbearing and enclosing effect. In particular the spacious outlook from the side of Elizabeth Court, afforded by the reduction in width of the rear of 101 Moring Road would be lost to the proposed new dwelling along the boundary line.
15. I note that the Council is concerned over the adequacy of the sun-path drawings submitted with the proposal. The drawings demonstrate that the proposed dwelling would have a minor effect on the sunlight reaching ground-floor window of Elizabeth Court which is in any event obscurely glazed. They do not however address the issue of the effect of the proposal on the level of daylight reaching the windows of No 101.
16. The proposal, by virtue of its length and relationship to the rear of No 101 would create a tunnelling and enclosing effect which would be give rise to a harmful degree of overdominance, loss of outlook and loss of light. Whilst I note the suggestion on the application drawings and in the response of the Council that some form of extension or alteration is proposed to the rear of No 101, there is no information before me on what that alteration is, its likely effects, or indeed whether or not it will be implemented. As such, I give it no weight in my determination of this appeal.
17. The proposal would therefore cause harm to the living conditions of residents of neighbouring properties with regard to loss of outlook, overdominance and loss of light.
18. As the proposal would give rise to unacceptable living conditions for future occupiers of the appeal site and harm the living conditions of residents of neighbouring properties, I consider that the proposal conflicts with Policy DMS1, Policy DH4 and Policy DMH7 of the Local Plan. These policies seek, amongst other things to ensure that new development provides suitable living conditions for future occupiers through provision of suitable levels of amenity space and protects the living conditions of existing residents.

Conclusion

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

S Dean

INSPECTOR