



Appeal Decision

Site visit made on 8 October 2019 by Hannah Ellison BSc (Hons) MSc

Decision by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 December 2019

Appeal Ref: APP/H5960/W/19/3234707

67-69 Salcott Road, London, SW11 6DQ

- 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 Tracey Storey, ICP Nurseries Ltd against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2019/2114, dated 13 May 2019, was refused by notice dated 10 July 2019.
 - The development proposed is described as retrospective planning permission for a free standing external timber raised deck/mezzanine floor which has no mechanical connection to the existing building.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. At the time of the site visit the development had been carried out. I have therefore considered the appeal on this basis.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the host property and the wider area and, linked to that, whether the proposal would preserve or enhance the setting of the Wandsworth Common Conservation Area, and;
 - the living conditions of adjacent occupiers, with particular regard to noise, disturbance and privacy.

Reasons

Character and appearance

5. This appeal concerns a two-storey detached building, currently in use as a day nursery. It is an attractive building finished in traditional yellow brick to the

- front elevation with decorative detailing to the roof. Permission is sought for the retention of a raised timber deck, positioned to the side. It can be accessed via a first-floor room and a staircase from the external yard.
6. The appeal property is located within the Wandsworth Common Conservation Area (the 'CA'). However, the side yard in which the raised deck is positioned is outside the CA boundary. The Wandsworth Common Conservation Area Appraisal notes that the special interest of the CA is partly derived from the fine-grained pattern of development and grid form of streets of two to three storey terraces, and semi-detached buildings of Victorian and Edwardian origin.
 7. The appeal property is finished in traditional materials and appears to retain many original features, including the large side window openings. It has a pleasing visual uniformity derived from the symmetry of the windows and the simple clean lines of the building's shape and form. This is typical of buildings in the CA generally. Owing to the elevated and projected position of the deck, it forms a prominent and arbitrary feature which is visually unrelated to the architecture and form of the existing building. It is also a large structure with tall balustrades that dominates the side elevation and is clearly visible in public views. The use of a modern timber material is a stark contrast to the building's traditional materials and further exacerbates its prominence and negative visual impact on the building and the street scene.
 8. The appellant considers the deck is of a similar scale to the existing adjacent fire escape. Whilst both are at a similar height, it is noted the fire escape has a limited platform area and therefore does not appear as visually dominant as the timber deck. Furthermore, it is of a lightweight design which reflects its functionality. It does not therefore mitigate or justify the harm arising from the development.
 9. The appellant notes that the decking significantly enhances the available space to care for children and thus its retention provides socioeconomic benefits. It is appreciated this area could provide younger children with an additional play and learning environment. However, I have not been provided with any evidence to suggest that the existing building is substandard in this respect or that the development meets an overriding need for space that could not be accommodated elsewhere on the site. As such, from all I have seen and read, the public benefits of the decking are limited.
 10. Accordingly, I find that the development harms the character and appearance of the host property and wider area, and neither preserves nor enhances the setting of the Wandsworth Common Conservation Area. For these reasons it conflicts with policies DMS 1 and DMS 2 of the Wandsworth Local Plan, Development Management Policies Document, 2016 (the 'DMPD') which collectively seek to ensure development provides a high quality, sustainable design, and sustains and conserves the significance, appearance, character and setting of the surrounding historic environment.
 11. In terms of the approach set out in the National Planning Policy Framework (the Framework) the development causes less than substantial harm to the Conservation Area's significance as a designated heritage asset. Paragraph 196 states that where a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use. The Framework is clear that great weight should be attached to the asset's conservation. The

public benefits advanced in support of this appeal do not clearly outweigh the harm identified.

Living conditions

12. The raised deck is within close proximity of the shared boundaries with neighbouring upper floor flats on Northcote Road. It is of a considerable size which could accommodate several children. Therefore, due to the nature of the use and the elevated position of the decking, the development is likely to cause unacceptable noise and disturbance to neighbouring occupiers. Indeed I note that the application has attracted concerns in this regard. To mitigate against this the appellant has suggested attaching a condition which restricts the numbers using the space. However, in accordance with paragraph 55 of the Framework I do not consider such a condition would be enforceable or reasonable. This would not therefore overcome the harm.
13. With regard to privacy, due to its height and positioning, as observed at the time of site visit the deck provides ample opportunity to directly overlook the rear external space of adjacent flats and also allows for views through windows to habitable rooms. Thus, the development has a significant adverse effect on the privacy of neighbouring occupiers. The appellant has suggested that obscure glazing could be added to the decking to prevent any overlooking however there are no specific details before me, and I share the Council's concern that installing some form of a screen at an effective height would be likely to compound the visual harm. This would not therefore be a satisfactory means of overcoming the loss of privacy.
14. It is appreciated the deck is to be used only for the younger children in the nursery, therefore it is suggested that overlooking would be negligible. However, a condition restricting the age group of users would also fail to comply with paragraph 55 of the Framework, therefore it cannot be certain that older children would not use the space. In any event, as the area would be supervised at all times by adult members of staff, the potential for harmful overlooking would still occur.
15. Consequently, taking all the above into consideration the development causes harm to the living conditions of neighbouring occupiers. As such, it conflicts with policy DMS 1 of the DMPD which seeks to ensure developments do not harm the amenity of occupiers and nearby properties through a number of factors including unacceptable noise, and privacy.

Conclusion and Recommendation

16. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

P J Davies

INSPECTOR