



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: 13 December 2019

Appeal Ref: APP/H5960/W/19/3234768

1A and 1B Prince of Wales Drive, London, SW11 4SB

- 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 Helena Flynn against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2019/1477, dated 3 April 2019, was refused by notice dated 4 July 2019.
 - The development proposed is joint planning application for flats 1A and 1B Prince of Wales Drive, for the construction of first floor rear extension for Flat 1A and formation of a roof terrace for Flat 1B.
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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 Matters

3. Notwithstanding the description of the development which is taken from the application form, a more precise description of the proposal is that provided in the appeal form as 'erection of extension at rear first floor level with formation of roof terrace above at second floor level and at first floor level both with safety railings. Installation of new side window. (Revised scheme)'. I have considered the appeal on this basis. I have also used the site address given in the appeal form as this is more accurate.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to outlook, light and privacy.

Reasons

5. This appeal concerns a three-storey end of terrace building, comprising two flats; one on the ground floor and one to the upper floors. The building is a modern in-fill development, adjoining a row of earlier properties with substantial three storey outriggers. Permission is sought for a first-floor rear

- extension which would provide additional living accommodation for flat 1A. The proposal also includes the provision of balconies to the first and second floor.
6. The proposed first floor extension would be sited opposite the side windows of adjoining flats at No 3 Prince of Wales Drive. It is acknowledged it would be set-off the shared boundary by approximately 1.35 metres and include a partly pitched roof leaning away from No 3. However, due to the overall height and proximity of the proposed side elevation, the outlook from the adjacent windows would be up close to the side wall of the proposed extension. The extension would remain of a substantial scale, thus resulting in an overbearing sense of enclosure to habitable rooms on the side elevation of No 3.
 7. Additionally, the proposal would have a substantial projection adjacent windows and doors on the main rear elevation of No 3 which also serve habitable rooms of each flat. As such, this proposal due to its height, scale and projection, in combination with the existing ground floor extension, would create a tunnel effect resulting in an uninviting outlook and oppressive living environment within the rooms, particularly at ground floor level.
 8. The appellant suggests that the existing fire escape to No 3 has a more harmful effect on outlook than the proposed extension. This appeal does not seek to remove the fire escape but rather introduces additional built form of a substantial scale and massing, close to the shared boundary, which would be more overbearing than the existing lightweight massing of the fire escape.
 9. It is acknowledged the adjoining properties along the terrace have substantial three storey outriggers, which restrict the outlook from side and rear facing windows of those dwellings. It is suggested that the appeal proposal would introduce less built form at a greater separation distance, and thus have a lesser impact on outlook in comparison. However, the adjoining properties were originally constructed with narrow side spaces, and occupiers would have been aware of the outlook, whereas the proposed extension would diminish the existing good outlook for neighbouring occupiers of No 3.
 10. Turning to the matter of light, the appellant states that the proposal would not contravene the recognised Building Research Establishment 25 degree rule, which is an initial test to ensure developments retain sufficient levels of daylight in opposite habitable rooms. However, no assessment has been provided and submitted plans indicate a 45 degree angle from the affected ground floor window of No 3, rather than the required 25 degree test. From all I have seen and read and taking into consideration the scale and massing of the proposed extension, and its positioning close to habitable windows of No 3, this proposal would be likely to result in some loss of diffused daylight that would harm the living conditions of occupiers at No 3.
 11. Additionally, the Council have raised concern that the proposal would result in a loss of direct sunlight to the side windows of No 3. The appellant has not submitted an assessment on sunlight in support of this appeal. Nevertheless, it is noted the windows are on the west elevation and there is currently good separation distance between neighbouring built form. As such, those habitable rooms would benefit from direct sunlight, particularly in the afternoon. The siting and scale of the extension would therefore reduce the amount of direct sunlight reaching adjacent habitable rooms resulting in a noticeable and harmful change to the existing standard of living conditions that these occupiers enjoy.

12. The Council are also concerned that the obscure side screens to the balconies would impact on light reaching a first-floor side window of No 1 Prince of Wales Drive. I have not been provided with any assessments of light, however, as the affected window is on the north facing elevation, I am satisfied this proposal would not significantly reduce the already restricted amount of light reaching the affected room.
13. With regards to the effect on privacy, it is noted the proposed balconies would include 1.7m high obscure screens to the side to prevent direct overlooking to neighbouring windows. However, they would have low metal balustrades to the front. Additionally, whilst the balconies are of modest size, there would be opportunity to include some element of seating which would allow for prolonged periods of stay. Therefore, due to their size, elevated position, distance from shared boundaries and design of the front balustrades, the balconies would provide opportunity to overlook the private external space of Nos 1 and 3 Prince of Wales Drive and No 30 Wendle Square, thus resulting in an invasive loss of privacy for occupiers. This is contrary to guidance set out in the Wandsworth Local Plan Supplementary Planning Document, Housing, 2016, which notes that neighbours are entitled to a reasonable level of privacy outside in their private gardens.
14. The appellant notes there are other balconies in the area which have similar relationships with adjacent properties. However, none are specifically identified, and therefore I cannot be certain they are directly comparable with the appeal proposal. Whilst I observed a raised terrace/balcony at the rear of No 1 Prince of Wales Drive, due to its distance, orientation and mature landscaping along the site boundary it does not have the same intrusive impact as this proposal which I have considered on its own merits.
15. Taking all the above into consideration, this proposal would harm the living conditions of neighbouring occupiers in terms of outlook, light and privacy and would therefore conflict with policy DMS 1 of the Wandsworth Local Plan, Development Management Policies Document, 2016, which, amongst other things, seeks to ensure developments do not harm the amenity of occupiers and nearby properties through overshadowing, overbearing, unsatisfactory outlook, privacy or sunlight/daylight.

Other Matters

16. The appeal site is located within the Battersea Park Conservation Area (the 'CA'). Its significance is partly derived from the relationship between the park, Victorian mansion blocks and the River Thames to the north. The Council also highlight the front elevations of buildings are largely unmodified in this locality and note a range of rear extensions have been approved where they are not visible from the street. This proposal would be finished in materials to reflect the host property and would be sited to the rear, thus there would be limited views from the wider street scene. As such, it would preserve the character and appearance of the CA, to which considerable weight is attached. Nevertheless, this does not outweigh the harm to living conditions identified above.
17. It is suggested this proposal would improve the living conditions for occupiers of the appeal flats. The Council have not raised any concern with the existing standard of accommodation, and I have no reason to find otherwise. Therefore, this matter does not have any bearing on the main issue identified above.

Conclusion and Recommendation

18. 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

19. 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