



Appeal Decision

Site visit made on 10 December 2019

by Jonathon Parsons MSc BSc DipTP (Cert Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2019

Appeal Ref: APP/H5960/W/19/3236185

45 Gayville Road, Battersea, Wandsworth, Greater London SW11 6JW

- 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 Edward Avens against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2019/1179, dated 27 March 2019, was refused by notice dated 6 August 2019.
 - The development proposed is "the conversion of the flat roof at first floor level to a new terrace area. The terrace shall be accessed via new double doors that come off the first floor kitchen. The terrace shall have an obscure glass balustrade with a stainless steel handrail and the incorporation of a 1800 mm high oak screen."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the determination of the planning application, amended plans were considered by the Council which showed a reduced width of the proposed terrace which I have considered in this appeal decision. The plans also showed 1.8m high glass screening to the sides and 1.1m glass screening to the rear of the terrace. The Council's decision is based on them.

Main Issues

3. The main issues are the effects of the proposal on the (a) the living conditions of the occupiers of neighbouring properties, having regard to privacy and disturbance and (b) the character and appearance of the area.

Reasons

Living conditions

4. The appeal site comprises a first floor flat within a two storey mid-terrace property which has a three storey addition. The proposal would result in the formation of a roof terrace of approximately 6.3m² above single storey rear/side additions with 1.8m high obscure glazed screens to the sides and 1.1m high obscure glazed screens to the rear.
5. The Wandsworth Local Plan Supplementary Planning Document (SPD) Housing 2016 states that any balcony (terrace) must be adequately enclosed with screening to ensure that there is no possibility that anyone on the terrace will be able to look into adjoining windows, or look down into private gardens. The

higher level flank screening would prevent direct overlooking from the sides of the terrace.

6. However, its size would allow residents to sit out and it would be open to the rear above 1.1m. Both the existing garden serving the ground floor flat and neighbouring properties are small by reason of their width and depth and this results in a confined and close intimacy between properties. Consequently, it would be difficult for residents of the new terrace not to look across into the neighbour's gardens either side of 45 Gayville Road, even unwittingly, and cause significant loss of privacy.
7. In relation to 47 Gayville Road, the terrace would be especially close to that neighbour's garden because it is not stepped in from the boundary in any significant way. In addition to the harmful overlooking of these neighbouring gardens, there would be overlooking of the rear garden of 21 Devereux Road, by reason of the short depth of the garden of No 45.
8. My attention has been drawn to other terraces along Gayville Road, including a photograph of a terrace behind two adjoining properties. However, there is little detail of the planning and site circumstances that led to them being built. Without this, it is not possible to draw meaningful comparisons but, in any case, every proposal has to be dealt with on its own individual planning merits.
9. Planning permission has been granted for the alteration of the first floor window at No 45 to create French Windows and a Juliet balcony. However, such a balcony would be considerably smaller than the proposal. In this regard, there is no detail on the depth of any Juliet balcony but they are not designed by their nature to accommodate any significant outside seating area unlike a more conventional terrace/balcony. In terms of noise and disturbance from the use of the proposed terrace, this would be limited due to the small size of the terrace area.
10. Nevertheless, the development would harm the living conditions of the neighbouring occupiers by virtue of the loss of privacy for all these reasons indicated. Accordingly, the proposal would conflict with policy DMS1 of Wandsworth Local Plan Development Management Policies Document (DMPD) (2016) and the advice of the SPD.

Character and appearance

11. The appeal property forms part of a dwelling terrace with a three-storey addition. No other first floor terraces/balconies were evident in the immediately surrounding properties when looking at the appeal property from the rear. However, in common with the appeal property, many have been extended and altered which results in a mixed character and appearance.
12. The SPD states that terrace screening will need to be sensitively designed to be unobtrusive and integrated with the roof and it should not appear like an incongruous add-on. The screening would be contemporary designed with glass balustrades. Given the existing flat-roofed extension to the rear, this would not appear out of keeping with the original building, especially given the terrace would not be of great size.
13. For all these reasons, the development would not harm the character and appearance of the area. Accordingly, the proposal would comply with policies

DMS1 (in respect of character and appearance) and DMH5 of the DMPD, and the advice of the SPD.

Conclusion

14. The proposal would not harm the character and appearance of the area but there would be long-standing harm to the living conditions of neighbours. Consequently, the proposal would be contrary to the development plan, as a whole. There are no considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and therefore planning permission should be refused.
15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR