



Appeal Decision

Site visit made on 11 February 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2020

Appeal Ref: APP/H5960/W/19/3239221

Flats 1 and 2, 24 Trevelyan Road, London SW17 9LN

- 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 Janet Carding and Hilary Jennings against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2019/2453, dated 4 June 2019, was refused by notice dated 30 July 2019.
 - The development proposed is alterations including the erection of a single storey rear extension to the back projection at first floor level; the formation of a roof terrace above the single storey ground floor rear projection with timber screen surround 1.1m to 1.85m high.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. There is some variation in the description of the development and site address given in the submitted documents. In the banner heading above I have based these details on the planning appeal form as I consider they are a more accurate representation of the appeal before me.

Main Issues

3. The main issues in this appeal are the effect of the proposal on the:
 - Living conditions of residents in respect of privacy, noise and disturbance; and
 - Character and appearance of the host building and the area.

Reasons

Living Conditions

4. The appeal site consists of an upper and lower flat in a semi-detached building. As a result of the proposal, the currently shared rear garden would pass to the owner of the ground floor flat with a proposed roof terrace providing an amenity area for the upper flat.
5. The proposed terrace would be built above an existing flat roofed extension located to the rear of the host building, and I note that a first floor extension has previously been permitted.

6. Due to its elevated position and extent, the proposed roof terrace would enable an intrusive degree of overlooking of the rear garden of the downstairs flat. I also saw that the terrace would enable an intrusive degree of overlooking of the rear gardens on either side, despite being set back from the site boundary. The height of the balustrade to the rear would also enable an extended and relatively wide angle of view which would be greater than that experienced from a domestic window. Both the actual and perceived overlooking that would arise from the proposal would therefore be unduly detrimental to the living conditions of residents of nearby properties.
7. The side balustrades would be made up of angled slats which would mitigate potential overlooking of the rear elevations of nearby dwellings, however it would not address the effect of overlooking on rear gardens. I acknowledge that a degree of overlooking of gardens is common in built-up areas, but this does not justify the extent of overlooking that would arise from the appeal proposal.
8. Noise and disturbance from people using the roof terrace would also be readily apparent to nearby residents. Whilst activity in rear gardens would also be apparent, I consider that the elevated position of the terrace would exacerbate the impact arising from associated activity which adds to my concerns in respect of the intrusive relationship with nearby properties. The potential for increased interaction between neighbours does not outweigh my concerns in respect of the negative impacts arising from the proposal.
9. I conclude that the proposal would lead to unacceptable harm to the living conditions of residents in respect of privacy, noise and disturbance. The proposal would therefore be contrary to Policy DMS1 of the Council's Development Management Policies Document 2016 (DMPD) which seeks to ensure that development does not harm the amenity of occupiers of nearby properties. The proposal would also conflict with the advice of the Housing Supplementary Planning Document 2016 (SPD) in respect of neighbourliness.
10. I find no conflict with Policy DMH5 of the DMPD as this does not address matters of residential amenity, however this does not outweigh my overall conclusions on the matter of living conditions.

Character and Appearance

11. The proposal would introduce a balustrade at first floor level extending to the rear of the host building. Whilst the proposal would be of a cohesive modern design, the use of angled timber slats would be an unorthodox feature at first floor level in this area. The height of the balustrade and the degree of projection to the rear at first floor level would add to this obtrusive and incongruous appearance.
12. Whilst the materials used in the proposal may be typical of rear gardens, I saw that they were not a common feature at first floor level in this area and would not relate well to the materials used in the host building. Also, whilst the proposal would not be visible from the public realm, the roof terrace would be prominent in views from nearby gardens.
13. I conclude that due to its location and design the proposal would lead to unacceptable harm to the character and appearance of the host building and the area. The proposal would therefore conflict with the design aims of Policies

DMS1 and DMH5 of the DMPD. The proposal would also conflict with the advice of the SPD in respect of the appearance of extensions.

Other Matters

14. I saw that there was a roof terrace to the rear of the adjacent semi-detached property of 26 Trevelyan Road. However, whilst this was of a simpler understated appearance compared to the appeal proposal, I saw that it appeared as an incongruous feature within this setting. Moreover, the adjacent terrace served to confirm the intrusive overlooking and loss of privacy that would arise from the appeal proposal. I also note that this terrace is a historic feature with no record of planning permission and does not establish a prevailing character for the area, and as such this does not create a precedent for the appeal proposal.
15. The appellants refer to roof terraces permitted elsewhere, including a development at Hafer Road. However, the evidence suggests that the roof terraces and balconies at Hafer Road were part of a substantial purpose built development and the circumstances of that scheme are therefore not the same as the appeal proposal. The appellants also refer to the use of obscured glass enclosures on roof terraces elsewhere, and I have some sympathy with their concerns about the visual impact of this approach. However I do not have full details of these schemes and so cannot be certain that they represent a substantial parallel to the appeal before me, which I have in any event determined on its own merits.
16. The appellants also emphasise the increase in privacy and improved living conditions which would arise from the separation of the external amenity areas for the two properties. However, I saw that the rear garden was of a substantial size and would provide suitable space for occupants of both flats. The separation of the amenity areas does not therefore weigh significantly in favour of the proposal.
17. I note that there are no objections to the proposal and have had regard to the comments made in support. However, consideration of these matters does not lead me to a different conclusion in respect of the harm arising from the proposal.

Conclusion

18. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR