



Appeal Decision

Site visit made on 26 May 2020

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st June 2020

Appeal Ref: APP/H5960/D/19/3242528

3 Bradley Mews, London, SW17 7HZ

- 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 Mrs Tugba Mihailidis against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref: 2019/3264 dated 8 August 2019, was refused by notice dated 14 October 2019.
 - The development proposed is described as 'loft extension and part change of garage use'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on i) the living conditions of the occupiers of neighbouring properties, with particular regard to privacy and outlook and ii) the character and appearance of the host dwelling and the area, with particular regard to the location of the appeal property in the Wandsworth Common Conservation Area.

Reasons

Living conditions

3. To the rear of the appeal property and its neighbours are small courtyards approximately 2.8 m deep, with the rear boundary of the appeal property formed by a high wall. I observed during my site visit that there is a clear view from an existing first floor window of the appeal property of part of the rear garden of 117 St James's Drive (No 117). Views of the rear gardens of 115, 119 and 121 St James's Drive were obscured by vegetation at the time of year of my site visit. However, the photograph submitted by the appellant of the view from this window demonstrates that there are views of parts of the gardens of 119 and 121 St James's Drive (Nos 119 and 121) when the intervening vegetation is not in full leaf.
4. The proposed roof extension would have two windows, one of which would serve a bathroom and therefore be obscure-glazed. The larger window would serve a bedroom and would also afford a view of the rear gardens of the properties on St James's Drive. Given its size and elevated position, the bedroom window would result in a significantly greater degree of overlooking and consequent loss of privacy for the occupiers of Nos 117, 119 and 121. I acknowledge that these views would be limited from deeper within the bedroom, but as the window would provide the main outlook from the room, it is reasonable to assume that the occupiers of the room will wish to look out from it.

5. Given the distance between this window and the windows in the rear elevations of the properties on St James's Drive, the proposed extension would not result in a significant loss of privacy within these dwellings. However, with the proximity of the rear elevation of the appeal property to its rear boundary, the extension would result in a materially harmful further loss of privacy for the rear gardens of Nos 117, 119 and 121. Although a degree of overlooking is to be expected in urban areas, the limited privacy enjoyed by these gardens due to the proximity of the appeal property and its neighbours makes it all the more important to retain what existing privacy remains.
6. Furthermore, the proposed roof extension would be clearly visible from the garden of No 117. Whilst the visibility of the proposed roof extension would not itself be significantly harmful to the living conditions of the occupiers of No 117, the prominence of the bedroom window in the extension would exacerbate the perception of being overlooked. The increase in the bulk of the appeal property resulting from the roof extension, with its predominantly vertical face, would also be uncomfortable for the users of the garden at No 117 given the proximity of the appeal property to that garden.
7. I have considered whether a condition, were planning permission to be granted, requiring both windows in the proposed roof extension to be obscure-glazed would be appropriate and resolve the issue of overlooking. However, as the proposed bedroom window would provide the main outlook for the room, in my judgement its being obscure-glazed would result in unacceptably poor living conditions within the room. It would therefore be unreasonable to require this window to be obscure-glazed and so such a condition would fail to meet the tests in paragraph 55 of the National Planning Policy Framework (the Framework). Moreover, the obscure-glazing of both windows would not fully address the perception of being overlooked nor the additional bulk of the roof extension.
8. I therefore conclude that the development would be materially harmful to the living conditions of the occupiers of Nos 117, 119 and 121. Accordingly, the proposed development would not accord in this respect with clause c) of Policy DMS 1 of the Wandsworth Local Plan - Development Management Policies (2016) (the DMP) which sets out that planning permission will be granted for developments that do not harm the amenity of occupiers / users and nearby properties through, amongst other things, unsatisfactory outlook and privacy.
9. Whilst the rear gardens of Nos 117, 119 and 121 do not currently enjoy a high degree of privacy, the increased overlooking would not accord with the guidance regarding windows in paragraph 4.163 of the Council's Supplementary Planning Document on Housing (2016) (the SPD). However, this is only guidance and I cannot attach the same weight to it as to the policies of the development plan.

Character and appearance

10. The appeal property lies within the Wandsworth Common Conservation Area (WCCA), a large conservation area principally encompassing Wandsworth Common and the built development around it. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 193 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
11. The appeal property is within Sub Area H: St James's as identified in the Wandsworth Common Conservation Area Appraisal (WCCAA). The WCCAA explains that the special appeal of the Sub Area is due to the *"mix of richly expressed yet individually styled properties, with generous front gardens, coupled with the expanse of the Common. Properties are grouped in a variety of ways forming unified terraces, detached and semi-detached properties."* Buildings in the Sub Area are principally mid-late Victorian

although the WCCAA also refers to new developments “*with a modern contemporary twist, working with and not against the grain and special character of the area.*”

12. The appeal property is in the middle of a terrace of three 2-storey dwellings, part of a small development clustered around a courtyard set behind properties fronting Bellevue Road dating, from the evidence before me, from the 1980s. From the map in the WCCAA and my observations during my site visit, the development is not characteristic of the St James's Sub Area being residential development behind the properties fronting the main streets with a courtyard arrangement and lack of front gardens. The properties in Bradley Mews are roofed with red pantiles which are incongruous as the predominant roofing material in that part of the WCCA I observed during my site visit is slate.
13. However, the properties are largely obscured from Bellevue Road, with the only view being a glimpse through the accessway to the courtyard and are hidden from St James's Drive and Althorp Road. Whilst there is a degree of harmony in the unaltered roof forms of the appeal property and its neighbours, I find that the roofs of the properties in Bradley Mews do not make a significant contribution, either positive or negative, to the character or appearance of the WCCA. Overall, therefore, I consider that Bradley Mews, including the appeal property, makes a neutral contribution to the character and appearance of the WCCA.
14. The appellant draws my attention to the alterations that have been made to the rear elevations of properties fronting St James's Drive and Althorp Road. Although I saw no roof extensions on other properties in Bradley Mews, I observed such extensions of varying sizes and designs on the rear roofslopes of the more historic properties around the appeal property. These are sufficient in number to be an established feature of the area. Consequently, the proposed extension would not be uncharacteristic of the area.
15. The proposed roof extension would be to the rear of the appeal property and would be set down slightly from the ridgeline, up from the eaves and in from either side of the roof to the rear of the appeal property. Therefore, whilst it would be visible from some properties in Bradley Mews, St James's Drive and Althorp Road, it would be hidden from general public view.
16. Although the proposed roof extension would be substantial, it would not extend the full width of the roof of the appeal property, which has a lower section. I therefore do not consider that the proposed extension would be an overly dominant addition to the host property. Although zinc would be a contrast to the existing pantiles, the Council accepts that it is a good quality material and it would be more in keeping with the tone of the roofs of the older properties in the vicinity of the appeal site. The roof extension therefore would not be significantly harmful to the appearance of the area.
17. The proposed alterations to the garage include the replacement of the existing door to the rear of the garage with a new glazed door to match the existing doors to the lounge / dining area. This would be in keeping with the character and appearance of the dwelling and, furthermore, it would not be visible from public view.
18. I therefore conclude that neither the proposed roof extension nor the alterations to the garage would be harmful to the character or appearance of the host property or of the area. They would therefore have a neutral effect on and thus preserve both the character and appearance of the WCCA. In this respect the proposals would not conflict with Policies DMS 1 or DMS 2 of the DMP. These policies, in combination and amongst other things, set out general development principles for sustainable urban design and the quality of the environment and support applications that sustain, conserve and, where appropriate, enhance the significance, appearance and character of heritage assets.
19. Neither would the roof extension conflict in this respect with Policy DMH 5 of the DMP which sets out, amongst other things, that extensions should be well designed, use

appropriate materials and not dominate and compete with the original building and that extensions to the roof be confined to the rear of the building. The proposed development would not fully comply with the SPD in that it would not preserve the original appearance of the house and the materials would not match the original roof materials. However, as previously noted, this is only guidance and does not carry the full weight of the development plan. The development would comply with paragraphs 127 c) and 193 of the Framework, the former setting out that planning decisions should ensure that developments are sympathetic to local character and history.

Other Matters

20. From the appellant's evidence, the proposed development is based on advice given by the Council at the time of the refusal of a previous application for a part single, part 2-storey rear extension. However, I give this advice very little weight as I have to determine the proposal before me in the light of the Council's refusal of planning permission.
21. I acknowledge the general desirability of being able to adapt properties, the appellant's desire to enlarge her property to meet the future needs of her family and the contention that without the proposed increased accommodation, they would need to relocate. Whilst I sympathise with the appellant's desires, these are not exceptional circumstances and I have borne in mind that the development would remain long after the personal circumstances have ceased to be material. Therefore, these considerations do not outweigh the harm to the living conditions of the occupiers of Nos. 117, 119 and 121 that I have identified and consequent conflict with the development plan in this respect.

Conclusion

22. For the reasons given above, and having regard to the other matters raised, the appeal is dismissed.

Martin Small

INSPECTOR