



Appeal Decision

Site visit made on 18 August 2020

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2020

Appeal Ref: APP/H5960/W/20/3246956

Upper Flat, 86B Broomwood Road, London SW11 6LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Massimo Lonardi against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2019/5112, dated 24 November 2019, was approved on 20 January 2020 and planning permission was granted subject to conditions.
 - The development permitted is erection of roof extension to main rear roof (with French doors and safety railings); extension above two storey back addition.
 - The condition in dispute is No 4 which states that: Prior to occupation of the development the north (rear) most window in the side elevation of the roof extension shall be obscure-glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The window[s] shall so be maintained and retained as such.
 - The reason given for the condition is: To control overlooking and safeguard the privacy of neighbours in accordance with Council policy DMS1(c) of the Development Management Policies Document (adopted March 2016) coupled with the requirements of the National Planning Policy Framework 2019.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At my site visit, the roof extension had been constructed without the two side elevation windows shown in the proposed drawings. Instead, a single horizontal top-hung window had been installed, at similar cill height to those originally proposed, and with clear glazing. I have assessed the appeal on the basis of the proposed drawings.

Main Issue

3. The main issue is the effect of the proposed extension on the living conditions of the occupants of 84 Broomwood Road, with particular regard to privacy.

Reasons

4. The installed window offers an uninterrupted view towards the rear dormer windows of No 84. Whilst the angle of visibility is relatively acute, my observations were that the installed window nonetheless allows a clear view into the two roof dormer windows at No 84, notwithstanding that visibility into the further, western, roof dormer window is slightly less due to an adjacent soil pipe. At such proximity, the living conditions of No 84 are harmed. Given that the installed window is in approximately the same location, and at similar cill

height, as the proposed disputed window, it follows that the proposal to allow occupation without obscuring the glazing of the disputed window would also be harmful.

5. Although the windows at No 84 can currently be seen from the former roof terrace at the appeal site, such overlooking and loss of privacy were likely to be more intermittent and weather dependant than the current proposal. Furthermore, I note the Council's comments that the terrace was not built in accordance with the approved plans, which indicated amenity screens. Finally, even if the windows of No 84 are currently overlooked from other properties, the distances involved would be substantially greater. Overall, I find that Condition 4 is necessary, reasonable, relevant to the development, and relevant to the purpose of planning.
6. I conclude that occupation of the premises without complying with Condition 4 would have a significant adverse effect on the living conditions of the occupants of 84 Broomwood Road, with particular regard to privacy. As such, the proposal conflicts with policy DMS1(c) of the Wandsworth Local Plan Development Management Policies Document (2016) and the National Planning Policy Framework. Together, these policies require that development does not harm the amenity of occupiers of nearby properties.

Conclusion

7. For the reasons given, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Hanna

INSPECTOR