

Appeal Decision

Site visit made on 18 August 2020

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th September 2020

Appeal Ref: APP/H5960/D/20/3246536
141B Chatham Road, London SW11 6HJ

- 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 Danny Chalkley against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2019/3970, dated 11 September 2019, was refused by notice dated 4 December 2019.
 - The development proposed is described as new roof extension, alterations to front and rear elevations at ground floor level. Roof extension forms two new rooms and adjacent bathroom. Ground floor alterations involve converting existing garage into a new kitchen. Roof extension to provide an additional storey of accommodation at third floor level. The roof extension would be built up vertically approximately 1.7m above the flat roof and would measure a maximum of 5.85m in width and 8.35m in depth set back from the existing eaves level. Two windows would face out from the rear elevation. At the front a dormer window measuring 1.25m in height above the flat roof level, 4.6m in width and 0.5m in depth would be located over part of the front roof slope and part of the flat roof. At ground floor the conversion of the garage into a kitchen, with a new window to replace the garage door. To the rear, the existing window and French doors would be replaced with sliding folding doors across the width of the house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Following submission of the appeal, amendments to the Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO) have come into force. Class AA sets out permitted development rights for the construction of up to two additional storeys on an existing dwelling. The main parties have provided comments, and I return to this matter below.

Main Issue

3. The main issues are the effect of the proposed roof extension on the:
 - character and appearance of the host property and surrounding area; and
 - living conditions of the occupants of No 4 Hughes Mews, with particular regard to daylight and sunlight.

Reasons

Character and appearance

4. The appeal site is a three-storey, mid-terrace dwelling, of contemporary design, with brick walls and pitched mansard roof, located some 8.75 metres

from the rear elevation of the three-storey terraced Hughes Mews. The effect of the proposal would be to add a fourth storey roof extension, with vertical walls to all sides, close to the facing windows of Hughes Mews.

5. The proposed roof design, with flat roof, vertical wood-polymer clad walls, and box dormer window, would contrast sharply with the brick walls and pitched mansard roof of the existing. The use of polymer cladding on the proposed roof extension is extensive, unlike the existing building where a similar material is limited to eaves detailing. Despite the set-back from the eaves, and notwithstanding that the composition of the existing façade may well be unchanged, the proposed roof form fails to take adequate architectural cues from the existing building and would be out of keeping with its principal elevation. The existing roofs to the principal and rear elevations are clearly visible from vantage points along Chatham Road, and the principal elevation would be particularly so when the trees are not in leaf. Consequently, the proposed roof extension would also be highly visible when seen from the public realm, notwithstanding the prominence of the existing projecting eaves.
6. Taken together, these factors would harm the character and appearance of the host property and the surrounding area. Whilst Class AA of the GPDO supports the principle of a roof extension, prior approval is still required in respect of the external appearance of the dwelling, including the design and features of the principal elevation of the dwelling. Furthermore, conditions require the roof pitch to be the same as existing and exterior materials to be similar. As such, any fallback position that may be offered by the GPDO would be less harmful than the harm I have found above.
7. I therefore conclude that the proposed roof extension would have a significant adverse effect on the character and appearance of the host property and surrounding area. As such, the proposal conflicts with policies DMS1 and DMH5 of the Wandsworth Development Management Policies Document (2016), the Wandsworth Housing Supplementary Planning Document (2016), and the National Planning Policy Framework (the Framework). Together these require the design of development to contribute positively to local spatial character.

Living conditions

8. Although the proposed roof extension would be set back slightly within the existing roof, it would nonetheless significantly increase the overall height of the existing building at the rear. Given the orientation of the proposed roof extension to the west, and the proximity of the proposal to the Hughes Mews building, my observations are that the increased height is likely to have an adverse impact on daylight and sunlight reaching the lower windows of No 4. In the absence of any evidence from the appellant to indicate that this would not be the case, I am unable to conclude that the proposal would not be harmful to living conditions.
9. Class AA of the GPDO requires prior approval in respect of impact on the amenity of adjoining properties, therefore this offers no fallback position. Nevertheless, even were the impact on living conditions acceptable, this would not outweigh my above finding of harm in respect of character and appearance.
10. I conclude that the proposed extension would have a significant adverse effect on the living conditions of the occupants of 4 Hughes Mews, with particular reference to daylight and sunlight. The proposal therefore conflicts with policies

DMS1 and DMH5 of the Wandsworth Development Management Policies Document (2016), the Wandsworth Housing Supplementary Planning Document (2016), and the Framework, which together require that development does not harm the amenity of occupiers of nearby properties.

Other matters

11. Whilst the appellant is concerned that the advice provided by the Council at pre-application, application and decision notice stages was inappropriate, I am nonetheless required to determine this S78 appeal proposal on its merits. The benefits arising from more efficient and sustainable use of the building do not outweigh the harm that the proposal would cause, nor does the appellant's need for more space whilst remaining in the area.

Conclusion

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

Patrick Hanna

INSPECTOR