
Appeal Decision

Site visit made on 16 September 2020

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th October 2020.

Appeal Ref: APP/H5960/D/20/3254728

57 College Gardens, London SW17 7UF

- 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 Jack Read against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2019/5227, dated 26 November 2019, was refused by notice dated 27 May 2020.
 - The development proposed is a single storey extension replacing conservatory with pitched roof construction.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. It has been raised by an interested party that the development as constructed differs from that which is depicted on the submitted drawings. For the avoidance of doubt, I have considered the appeal on the basis of the development as shown on the submitted plans.

Main Issues

3. The main issues are the effect of the proposal on (i) the living conditions of the occupiers of 55 College Gardens, with particular regard to overshadowing, overbearing effect and outlook, and (ii) character and appearance.

Reasons

Living conditions

4. 55 College Gardens (No 55), which has a window and patio door at ground floor level facing its garden, lies to the east of the extension. As a consequence of the height of the extension, together with its close proximity to the boundary with No 55 as well as the orientation of the properties, the extension would cast a shadow over both the garden area of No 55, as well as its elevation. This would substantially reduce the amount of sunlight which reaches the garden area, which I observed to be modest in its size, resulting in overshadowing of a considerable amount of the garden. Moreover, it would unacceptably reduce the amount of sunlight that reaches the interior living space of No 55, which is served by the window and patio doors. The extension would thus result in an unacceptable degradation of the living conditions of the occupiers of No 55.

5. Whilst the extension is positioned in close proximity to the shared boundary with No 55, its walls do not substantially protrude above the existing boundary feature. Furthermore, the roof of the extension pitches away from the garden space of No 55. Additionally, given the extension is located and has only a visual presence to one side of the neighbouring garden area, views out of the garden would remain to its two remaining sides and views of the sky would remain. As such, there would be no unacceptable result through an overbearing effect or loss of outlook.
6. Whilst there would be no harmful overbearing effect or loss of outlook, due to an unacceptable degree of overshadowing, the proposal would have a harmful effect on the living conditions of the occupiers of No 55. The scheme thus conflicts with policy DMS1 of the Wandsworth Local Plan – Development Management Policies Document (2016) (the Local Plan), insofar as it seeks to ensure development does not harm the amenity of nearby occupiers.

Character and appearance

7. The extension is located to the front of 57 College Gardens and is setback from the estate road by the intervening garden of No 55, which includes a substantial boundary treatment, as well as vehicular parking spaces. In this context, the extension has little visual presence to the street, with only the roof being generally visible above the boundary fencing. As a consequence, the development is not prominent in the streetscene.
8. The extension is not overly large in terms of its width in proportion to that of the front elevation and the overall height of the extension is below that of the first-floor windows. These factors combined ensure that the development is viewed as a subservient addition to the property. Moreover, given the proportions of the existing dwelling, it is not an overly dominant feature of the elevation and sits appropriately within its context, given the unconventional arrangement of the dwelling to the street.
9. Accordingly, I find that the extension does not harm the character or appearance of the area or the host property. Thus, the proposal accords with policies DMS 1 and DMH 5 of the Local Plan, insofar as they seek to ensure that development is of a high quality, sustainable design and that extensions are not so large that they dominate or compete with the original building. I also find no conflict with the stated guidance of the Housing Supplementary Planning Document, that extensions respect the form and proportions of the original house and are not overly large.

Other Matters

10. The appellant refers to the previous conservatory that occupied the site. However, it is clear from the details provided that this previous structure was lower in height as well as shorter than the development for which permission is now sought. Furthermore, this structure has now been removed. As such, its previous existence has little bearing on my decision. I have also had regard to the examples cited by the appellant but consider the circumstances of each to be different from that which is before me. Thus, I do not consider they provide a justification for allowing the appeal.
11. I have had regard to the decision cited by the Council, which was upheld at appeal. However, the circumstances and context of that development were

markedly different from that which is before me and as such I find clear reasons for finding differently from the Inspector in that case.

12. I note that there would be benefits to the occupier of the property in terms of an increase in the amount and quality of accommodation. Whilst this is noted, it does not outweigh the harm that I have identified.

Conclusion

13. Whilst the extension would not be overbearing, result in an unacceptable loss of outlook or harm character and appearance, it would result in unacceptable harm through overshadowing. This matter is decisive.
14. For the reasons given above, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR