



Appeal Decision

Site visit made on 26 October 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th November 2020

Appeal Ref: APP/H5960/W/19/3228944

Flat A, 133 Tooting Bec Road, London SW17 8BW

- 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 Alan Worsley against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2019/0640, dated 13 February 2019, was refused by notice dated 10 April 2019.
 - The development proposed is described as 'the addition of 8m² to an existing 10m² roof top terrace. This is to provide more private outdoor amenity space, which the environment and community services department report deemed insufficient in the original planning application (even though that was approved). This is a more sustainable building with the addition as it allows for outdoor drying space and play space for a 3 bedroom property, most suitable for a small family. The proposal meets all BRE 45 degree assessments. Careful design consideration means it has next to zero impact on the surrounding neighbourhood properties'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal has been altered from the application form to the decision notice, however that on the application form, while lengthy, adequately describes the proposal and I have determined the appeal on this basis.
3. At the time of my site visit, the decking structure to service the larger roof top terrace sought appeared to be in place although only approximately half of the decking was being utilised as the remainder was separated off by screening.

Main Issues

4. The main issues are the effect of the proposal on the living conditions of neighbouring occupiers with regard to noise and disturbance and in relation to the occupiers of No. 131 (No. 131) Tooting Bec Road, overlooking.

Reasons

5. The evidence indicates that planning approval exists for a modest roof top terrace on top of the rear outrigger at the appeal site, which is a flatted property located on a residential section of Tooting Bec Road. Tightly knit terraced properties dominate the character of this section of the street. This proposal seeks the enlargement of the roof top terrace currently permitted.

6. SPD¹ guidance acknowledges that a private roof terrace can enhance the amenity of an upstairs flat. However, the guidance urges caution, overall taking a sensibly balanced approach acknowledging that they can be associated with noise disturbance and advising that those designing such features should avoid making a terrace big enough to host large, potentially noisy gatherings of people. It advises that a small, well screened and sensitively designed terrace is more likely to be acceptable in planning terms.
7. Allowances are therefore made within the SPD for roof terraces, but only those of small size. The increase in size of the roof terrace would result in the formation of a larger terrace, and the increase in size would effectively double its capacity. The enlarged terrace would not therefore be the type that the SPD is seeking to promote and the increase in capacity would mean that the potential for associated noise and disturbance would be greater than would be associated with a smaller terrace.
8. There is nothing to indicate that the level of outdoor amenity space provided in association with the permitted terrace is of an insufficient size to serve the flat.
9. Any overlooking towards the neighbouring roof terrace at No. 131 could be avoided through the provision of screening, which could be conditioned were I minded to allow the appeal.
10. However, despite this, I conclude that a significantly enlarged roof terrace, as a result of its greater capacity would be more likely to result in noise and disturbance to surrounding residential properties which would have a detrimental impact on those occupier's enjoyment of their homes. The proposal would therefore conflict with SPD guidance and Policies DMS1 and DMH5 of the Wandsworth Local Plan Development Management Policies Document (2016) which amongst other things seek to protect the living conditions of nearby occupiers.

Other Matters

11. I note that the Council have not raised concern in relation to the appearance of the proposal or in relation to the living conditions of occupiers of 135 Tooting Bec Road. These are however neutral factors which do not weigh in favour of the appeal.

Conclusion

12. The appeal should therefore be dismissed.

TJ Burnham

INSPECTOR

¹ Wandsworth Local Plan Supplementary Planning Document – Housing Adopted November 2016.