



Appeal Decision

Site visit made on 3 December 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2020

Appeal Ref: APP/H5960/D/20/3259386 47 Pirbright Road, London SW18 5ND

- 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 Owen Dobson against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2020/1472, dated 25 April 2020, was refused by notice dated 23 June 2020.
 - The development proposed is erection of glass rooftop balustrade to form roof garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development upon the character and appearance of the area; and
 - the effect of the development upon the living conditions of the occupiers of the adjoining residential properties in respect of daylight and sunlight, noise and disturbance and privacy.

Reasons

Character and appearance

3. The appeal property is a two-storey mid-terrace dwellinghouse located on the northern side of Pirbright Road. The building has been significantly extended to the rear and the works include a flat roof loft conversion.
4. It is proposed to utilise the flat roof of the existing loft extension to provide a roof garden for use by the occupiers of the appeal property. The roof garden would be enclosed by glass balustrading, which would be approximately 1.3 metres high. Access to the roof garden would be provided by an internal roof hatch and an electrically operated stairway.
5. The surrounding area has an urban residential character and the properties within the immediate locality are predominately two-storey terraced dwellings from the early C20. The consistent two storey scale of the dwellings and the use of common materials results in a design balance and symmetry which contributes positively to the character and appearance of the area.

6. Policy DMH5 of the Wandsworth Local Plan: Development Management Policies Document (the 'DPD') states "proposals for extensions and alterations to residential properties will be permitted where: (i) an extension is well designed, uses appropriate materials and is not so large that it dominates and competes with the original building; and (ii) an extension, dormer window or other alteration to a roof is confined to the rear of the building but where it is visible from the street or any other public place, it is sympathetic to the style of the building, not visually intrusive and does not harm either the street scene or the building's appearance".
7. Section 4 of the Council's Housing Supplementary Planning Document (the 'Housing SPD') relates to residential extensions and in respect of roof terraces it states "screening will need to be sensitively designed to be unobtrusive and integrated with the roof and it should not appear like an incongruous add-on"¹.
8. The proposed roof garden would be confined to the rear of the building and the glass balustrading would be set back from the ridgeline of the appeal property. Nevertheless, the proposed balustrading would extend well above the ridgeline of the host building, and, thus, it would be readily visible when viewed from the rear of the appeal property. On my site visit, I observed that the proposed development would be particularly prominent when viewed from the public footpath located to the rear of the site, which runs between Pirbright Road and Standen Road.
9. The appellant argues that the proposed balustrading would not be readily visible from Pirbright Road. To this regard, my attention has been drawn to a section drawing², which shows that the balustrading would not be visible from the section of Pirbright Road to the front of the appeal property. Whilst the drawing is a representation of the visibility of the proposal when viewed from the section of the street immediately to the front of the appeal property, it does not show other viewpoints from Pirbright Road.
10. On my site visit, I noted that Pirbright Road rises upwards towards the junction with Wimbledon Park Road. Owing to the topography of the street, I consider that the proposed balustrading would be visible when viewed from the higher part of Pirbright Road.
11. In any event, even if I were to accept the appellant's position on this matter, the proposed balustrading would be readily visible when viewed from the public footpath to the rear of the site.
12. Despite the proposed use of non-reflective glass balustrading, when viewed in the context of the adjoining terraced properties on Pirbright Road, none of which appear to feature a second floor roof garden, the proposed roof garden would appear as an incongruous and dominant feature within the local roofscape, which would undermine the architectural integrity of the host building and cause significant harm to the character and appearance of the area.
13. I am cognisant that a recent development located at the corner of Pirbright Road and Wimbledon Park Road features a number of roof gardens with glass balustrading. However, this is a comprehensive four-storey development located on a corner plot, which has a fundamentally different character and

¹ Paragraph 4.167 of the Housing SPD

² Drawing No: A_1842 PL400

appearance when compared to that of the early C20 terraced properties on Pirbright Road. Therefore, this development does not provide a compelling precedent for allowing the appeal.

14. For the reasons set out above, I conclude that the proposed development would cause significant harm to the character and appearance of the area. As such, the proposal would not accord with the aforementioned requirements of the Housing SPD and Policy DMH5 of the DPD. Moreover, the proposal would not accord with Policy DMS1 of the DPD in so far as it requires new development to be of a high quality, which contributes positively to the local spatial character.

Living conditions of neighbouring occupiers

15. The Council argue that the proposed balustrading would cause overshadowing of the adjoining properties. However, given the height of the balustrading and its glass construction, which is a transparent material, I am not persuaded that the proposal would cause a material loss of daylight and sunlight for the occupiers of the adjoining properties.
16. In terms of noise and disturbance, whilst I recognise that the roof garden could facilitate a large gathering, no substantive evidence has been put forward by the Council to demonstrate that such gatherings would be a frequent occurrence. Moreover, the roof garden would be accessed internally via a second-floor bedroom, which suggests its use would likely be limited to occupiers of the appeal property. The appellant explains that the existing rear garden, which is accessible via the ground floor living areas, would be used for communal gatherings. Based on the evidence before me, I share the appellant's position on this matter. On that basis, I conclude that the proposal would not cause unacceptable levels of noise and disturbance for the occupiers of the adjoining properties.
17. The Council contend that the proposal would reduce the sense of privacy for the occupiers of the adjoining properties due to a perception of overlooking from the roof garden. Nevertheless, the Council explain that obscurely glazed balustrading, which could be secured by a planning condition, would mitigate any overlooking issues.
18. Despite the elevated position of the proposed roof garden, given the degree to which the existing upper floor windows on the front and rear elevation of the appeal property overlook the rear gardens of the adjoining neighbouring properties and the front elevations of the properties on the other side of Pirbright Road, and given that obscurely glazed balustrading could be secured by condition, which would significantly restrict views of the adjoining properties from the roof garden, I consider that the proposed development would not result in a significant loss of privacy for the occupiers of the adjoining properties.
19. For the collective reasons outlined above, I conclude that the development would not cause significant and demonstrable harm to the living conditions of the occupiers of the adjoining residential properties in respect of daylight and sunlight, noise and disturbance and privacy. As such, the proposal would accord with Policy DMS1 of the DPD and advice contained within the Housing SPD, in so far as the proposed development would not harm the amenity of the occupiers of nearby properties.

Other Considerations

20. The proposed roof garden would provide additional outdoor space for the occupiers of the appeal property, which would improve their living conditions. Indeed, the use of roof areas to provide additional amenity or garden space is encouraged within the Housing Supplementary Planning Guidance published by the London Mayor³. However, I have found that the proposal would cause significant harm to the character and appearance of the area. This is a matter of overriding concern and outweighs the limited benefits identified above.

Conclusion

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

Christopher Miell

INSPECTOR

³ Mayor of London: Housing Supplementary Planning Guidance (March 2016) – Paragraph 2.3.33