



Appeal Decision

Site visit made on 3 December 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st December 2020

Appeal Ref: APP/H5960/D/20/3248111 2-4 Wiseton Road, London SW17 7EE

- 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 and Mrs Adams against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2019/4620, dated 21 October 2019, was refused by notice dated 13 January 2020.
 - The development proposed is a full width rear ground and first floor rear extension, renovation of rear outbuilding and associated landscaping and internal alterations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have been appointed to determine two appeals on this site. The other appeal reference is APP/H5960/D/20/3248106. I have considered each proposal on its individual merits and prepared separate decision letters.
3. On my site visit, I observed that there was a dead animal on the first-floor landing, which appeared to be a bat. Furthermore, I noted that there were a significant number of insect carcasses within the loft room of the building. The main parties were notified about my observations and given an opportunity to address this matter as part of the appeal process. The appellants undertook further investigations and concluded that the dead animal was a bird. In addition, the Council advised that data from the Local Environment Record Centre for London ('LERC') showed that there was no recent record of bats at the appeal site or within the immediate vicinity. Based on the evidence before me, I am satisfied that it has been established that the appeal property is unlikely to be occupied by bats. I have dealt with the appeal on this basis.
4. The appellants have submitted amended plans with the appeal. The plans propose the removal of an existing flank wall, which is located on the northern boundary of the site. The appeal process should not be used to evolve a scheme and it is important that I determine this appeal on the basis of what was considered by the local planning authority, and on which interested people's views were sought. To this regard, I note that the appeal before me is a householder appeal where the local planning authority and other interested parties, including the occupiers of the adjoining properties, were not afforded the opportunity to submit additional comments. For this reason, I have not had regard to the amended plans as part of the determination of this appeal.

5. As part of the appeal, the appellants have submitted several computer-generated images of the proposed development, which includes a massing diagram. As the submitted documents do not evolve the scheme, and the nature of the concerns of those who would normally have been consulted are clear from consultation on the original set of plans, I do not consider that their interests would be prejudiced if I determine the appeal in accordance with these documents.

Main Issues

6. The main issues are:

- whether the proposed development would preserve or enhance the character or appearance of the Wandsworth Common Conservation Area; and
- the effect of the development upon the living conditions of the occupiers of The Studio, No 222 Trinity Road ('No 222') in respect of outlook and privacy.

Reasons

Wandsworth Common Conservation Area

7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Wandsworth Common Conservation Area (the 'CA').
8. The CA covers an extensive part of the Borough and it has been broken down into several sub-areas by the Council. The appeal site is located within 'Sub Area H – St James'. The Council's Wandsworth Common Conservation Area Appraisal: Sub Area H – St James explains that the special appeal of this area is due to the mix of richly expressed yet individually styled properties, with generous front gardens, coupled with the expanse of the Common. Properties are grouped in a variety of ways forming unified terraces, detached and semi-detached properties.
9. The parties explain that the appeal property dates from the Victorian period and was originally constructed as two separate terraced dwellings, which were later converted into one dwelling. The building has a brick exterior under a gabled roof form. The original party wall has been partially retained and projects above the roofline.
10. It is proposed to erect a two storey rear extension and undertake alterations to an existing outbuilding, which would include partial demolition.
11. Despite the use of traditional materials and the stepped design approach, the overall bulk, scale and mass of the proposed rear extension would be significant and excessive in the context of the proportions of the existing dwelling. I am cognisant that the proposal would protrude less than the existing two storey rear extension at the appeal property. However, the existing extension is a modest addition to the host building with a small footprint, whereas the proposal would have a substantial footprint and would extend across the entire width of the host building.

12. Furthermore, the flat roof of the proposal would be positioned above the eaves of the southern part of the host property, and, in this regard, the proposal would have a stark and jarring appearance when viewed in the context of the existing roof form. Overall, the proposed extension would be an unsympathetic addition to the existing dwelling, which would dominate the host building and cause harm to the significance of the CA.
13. The proposed development would be sited to the rear of the host building and would not be readily visible from the street. Moreover, when viewed in the context of the adjoining buildings, which includes a variety of building types of differing sizes, including No 6 Wiseton Road, which has a substantial rear extension, the proposal would not appear as a prominent form of development. As such, the proposal would result in a limited degree of harm to the significance of the CA. This harm would arise from the unsympathetic and dominant form of the proposed extension. Therefore, the proposal would neither preserve or enhance the character or appearance of the CA, and, thus, it would be harmful to the significance of the designated heritage asset.
14. Paragraph 194 of the National Planning Policy Framework (the 'Framework') states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Given my findings above, I consider that the harm would be less than substantial and in accordance with paragraph 196 of the Framework, that harm should be weighed against any public benefits of the proposal.
15. The Planning Practice Guidance (the 'PPG') explains that public benefits should flow from the proposed development and that they should be of a nature or scale to be of benefit to the public at large and not just be a private benefit¹. In this instance, the proposal would improve the living conditions for the occupiers of the appeal property. In addition, the appellant explains that the proposal would improve the existing built relationship at the rear of the appeal property to No 6, which would result in a material increase in the availability of daylight and sunlight for the adjoining occupiers. However, these are private benefits, which would not be of benefit to the public at large.
16. In terms of public benefits, the appellants argue that the proposal would conceal the existing 'unsightly' flank wall of No. 20B Bellevue Road. Even if I were to accept that this would be a public benefit of the proposal, such benefits would not outweigh the harm to the significance of the CA.
17. In conclusion, the proposal would be an unsympathetic addition to the existing dwelling, which would dominate the host building. Therefore, the proposal fails to preserve or enhance the significance of the CA. As such, the proposal would not accord with Policy DMH5 of the Wandsworth Local Plan: Development Management Policies Document (the 'DPD') which states that extensions should not dominate and compete with the original building. Furthermore, the proposal would not accord with Policies DMS1 and DMS2 of the DPD and Policies PL1 and IS3 of the Wandsworth Local Plan: Core Strategy which require new development to be of a high quality and to protect and reinforce the existing varied character, appearance and heritage of the Borough, whilst ensuring that proposals sustain, conserve, and where appropriate, enhance the significance of the Borough's heritage assets.

¹ PPG Paragraph: 020 – Reference ID: 18a-020-20190723 – Revision date: 23 07 2019

18. In addition to the above, the proposal would conflict with advice contained within the Council's Housing Supplementary Planning Document (the 'Housing SPD'), which explains that an extension should respect the form and proportions of the original house and should not be so big or prominent as to dominate its appearance.

Living conditions of neighbouring occupiers

19. No 222 is a single storey residential property which abuts the north west boundary of the appeal site. The property has a small courtyard, which faces towards the garden wall of the appeal property at an angled manner.
20. The proposal would introduce a significant volume of additional built form to the rear of the appeal property, which would be situated closer to the rear garden and rear facing elevation of No 222, when compared to the current arrangement. By virtue of its two storey scale and close proximity, the proposed development would have a significant dominating effect when viewed by the neighbouring occupiers of No 222 from the rear garden and rear facing windows/doors. Consequently, the development would have an oppressive and overbearing impact upon the outlook of the occupiers of the adjoining property, which would cause significant harm to their living conditions.
21. Whilst the partial demolition of the existing outbuilding would provide a degree of relief from the presence of built form, when viewed from the rear garden and rear facing windows/doors of No 222, these benefits to the outlook of the occupiers of No 222 would be moderate and would not outweigh the significant harm that I have identified above.
22. The proposed extension would have first floor rear facing windows. From these windows, the occupiers of the appeal property would be able to overlook the rear garden and rear facing windows/doors of No 222. Given the limited separation distance between the two properties and the angled orientation of No 222 relative to the appeal property, the overlooking from the first floor windows would result in a loss of privacy for the occupiers of No 222.
23. The appellants argue that the views of the rear garden and rear facing windows/doors of No 222 available from the proposed development would be comparable to existing views from the first floor rear facing windows at the appeal property. On my site visit, I observed that views of the rear garden and rear facing windows/doors of No 222 from the existing rear facing windows were largely obscured by the flank wall of No 20B Bellevue Road. Given the depth of the proposed extension, the degree of screening provided by the flank wall would be significantly reduced and occupiers of the proposed first floor bedrooms would be able to overlook the rear garden and rear facing windows/doors of No 222 at a close proximity. Therefore, I do not share the appellants' position on this matter.
24. For the reasons given, I conclude that the development would cause significant harm to the living conditions of the occupiers of The Studio, No 222 Trinity Road in respect of outlook and privacy. As such, the proposal would not accord with Policy DMS1 of the DPD and advice contained within the Housing SPD, which state that development should not harm the amenity of the occupiers of nearby properties.

Conclusion

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

Christopher Miell

INSPECTOR