



Appeal Decision

Site visit made on 3 December 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th February 2021

Appeal Ref: APP/H5960/D/20/3256533

40 Tonsley Hill, London SW18 1BB

- 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 Lucy Blake-Thomas against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2020/1263, dated 3 April 2020, was refused by notice dated 25 June 2020.
 - The development proposed is described on the original application as "Loft conversion to main roof, rear second floor extension over outrigger, raising of original ridge height and adjustment of front pitch; excavation of basement with front lightwell, side return extension and internal and external alterations (basement and rear extension previously approved)".
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Decision

1. The appeal is allowed and planning permission is granted for alterations including erection of roof extension to main rear roof (with French doors and safety railings) including raising the ridge by 300mm and extension above part of two-storey back addition; erection of single-storey rear/side extension; and excavation to create basement including formation of front and rear lightwells at 40 Tonsley Hill, London SW18 1BB in accordance with the terms of application, Ref: 2020/1263, dated 3 April 2020, subject to the schedule of conditions attached to this decision.

Procedural Matters

2. The appellant submitted amended plans to the Council prior to the determination of the planning application. However, the Council explain that they have no record of the amended plans being submitted. Consequently, the plans were not taken into account when the application was determined by the Council. Given the uncertainty relating to this matter, I have not had regard to the amended plans as part of the determination of this appeal.
3. I have used the description of the proposal from the Council's decision notice in my formal decision. The Council's description adequately and simply describes the proposed development and omits references to previous planning decisions at the appeal site.

Main Issues

4. 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 adjoining residential properties in respect of outlook and privacy.

Reasons

Character and appearance

5. The appeal property is a two-storey mid-terraced dwelling located on the eastern side of Tonsley Hill. The property has a brick exterior with a tiled roof and features a two-storey rear outrigger.
6. The proposal comprises of a single storey rear/side extension, loft extension with a rear dormer and second floor extension built over the existing rear outrigger. As part of the works the ridge height of the existing dwelling would be raised by approximately 0.3m. In addition, excavation works are proposed to create a basement level, which would include front and rear lightwells.
7. The parties explain that planning permission¹ was granted by the Council in February 2019 for the erection of single storey rear/side extension and excavation to create basement including formation of front and rear lightwells. No evidence has been put forward to demonstrate that the permission has been implemented. Nevertheless, the planning permission remains extant until February 2021.
8. The overall bulk, scale and mass of the approved single storey rear/side extension and the extent of the approved excavations to form the basement are comparable to the current proposal. However, the depth of the proposed lightwell at the front of the property would be materially larger when compared to the approved development.
9. Given the site's planning history, the dispute between the main parties primarily relates to the acceptability or otherwise of the proposed loft extension, rear dormer and the second-floor extension built over the existing rear extension.
10. The surrounding area has a dense urban character and the properties on Tonsley Hill are predominately two-storey terraced dwellings. Despite the consistent two-storey scale, there are a variety of roof forms present on Tonsley Hill with many of the buildings containing second floor accommodation.
11. Nevertheless, when viewed from the street on Tonsley Hill, the consistent use of traditional materials, such as brick and render and the prevalence of common architectural detailing such as bay windows and recessed porches, results in a design balance and symmetry which contributes positively to the character and appearance of the area.
12. Notwithstanding the above, to the rear of the properties on Tonsley Hill there is limited architectural cohesion with a significant number of the buildings

¹ Council Ref: 2018/4996

- featuring rear extensions and roof alterations, many of which provide a significant amount of additional accommodation.
13. The adjoining terraced properties situated either side of the appeal property feature large rear extensions. No 42 Tonsley Hill has a flat roof rear extension, which extends the entire depth of the outrigger, whilst No 38 Tonsley Hill has a mansard roof extension partially above the rear outrigger and a large roof dormer spanning the entire width of the original building.
 14. When viewed in this context, despite the depth of the second floor extension over the entire width of the existing outrigger and its flat roof design, the proposed loft extension, rear dormer and the second-floor extension would not appear out of keeping with the immediate site context, nor would the proposal represent a prominent or incongruous form of development.
 15. Moreover, through the use of matching materials, which would include brick and tile hanging, and an appropriate fenestration design, the proposal would appear well related to the design and appearance of the host building and the surrounding properties.
 16. In terms of the proposed alterations to the ridge height of the host building, owing to the shallow roof pitch of the front roof slope, the limited height increase proposed and the varied ridge heights of the surrounding properties on Tonsley Hill, I consider that such an alteration would not be prominent when viewed from the street, and, thus the proposal would preserve the important design balance and symmetry of the existing buildings.
 17. The Council have expressed concerns about the extent of the proposed lightwell to the front of the property. Whilst I recognise that the lightwell would occupy a significant proportion of the existing front garden, the extent of the works would be largely obscured from public view by a boundary wall to the front of the site. Consequently, the lightwell and associated grille would not be a prominent feature within the street. The retention/reinstatement of the existing wall can be secured by a planning condition.
 18. For the reasons given above, I conclude that the proposed development would have an acceptable effect upon the character and appearance of the area. As such, the proposal would accord with Policies DMS1 and DMH5 of the Wandsworth Local Plan: Development Management Policies Document (the 'DPD'), in so far as they require new development, including extensions and alterations to existing residential properties to be well designed, sympathetic to the style and scale of the original building and to avoid harm to the streetscene.
 19. The proposal would conflict with Criterion (viii) of Policy DMH5 of the DPD, in so far as the depth of the proposed front lightwell would exceed 50% of the original front garden depth. However, I have found that the proposal, when considered as a whole, would have an acceptable effect upon the character and appearance of the area, and, thus, the proposed development would accord with the overall thrust of Policy DMH5. This is a material consideration which indicates that planning permission should be granted.
 20. I am cognisant that the proposal would conflict with the design guidance contained within the Council's Housing Supplementary Planning Document (the 'Housing SPD') in relation to alterations to roofs and loft conversions. However,

the prescribed standards are only guidance and are an indicator of what is likely to be acceptable. In this instance, I have assessed the proposal on its own individual planning merits and found it to be acceptable. As such, a failure to adhere to the standards in the Housing SPD is not sufficient in itself to dismiss the appeal.

Living conditions of neighbouring occupiers

21. The second-floor extension would be built over the existing rear outrigger and the rear elevation of the proposal would align with the existing rear extension to No 42. Consequently, the outlook from the rear facing windows of No 42 would remain largely unchanged by the proposal.
22. In terms of No 38, whilst I recognise that the proposed development would introduce additional bulk and mass to the rear of the appeal property, as set out above, the second-floor extension would be built above the existing rear outrigger. Whilst the rear/side extension would be single storey, and, thus, there would remain a degree of separation at first and second floor level. Having regard to the existing context, I consider that the proposal would not be a dominant or intrusive feature when viewed from the first and second floor rear/side facing windows of the neighbouring property. Moreover, the ground floor rooflights of No 38 would retain a skyward outlook.
23. In terms of overlooking, the proposal would introduce additional window openings at the rear of the appeal property at second floor level. Despite this, given the degree to which the existing rearward facing first floor windows of the appeal property overlook the rear gardens of the adjoining neighbouring properties and the separation distance between the appeal property and the properties to the rear of the site located on Fullerton Road, in addition the site's dense urban context where a significant degree of mutual overlooking occurs, I consider that the proposal would not result in a significant loss of privacy for the neighbouring occupiers of the adjoining residential properties.
24. Neighbouring residents have expressed concerns that the proposal would harm their living conditions in respect of a loss of daylight and sunlight. However, no substantive evidence has been put forward to demonstrate that this would be the case. In addition, no such concerns have been expressed by the Council. Based on the evidence before me, and my site observations, which included an assessment of the separation distances between the proposed dwelling and the neighbouring properties, I have no reason to disagree with the Council in respect of this matter.
25. For the collective reasons outlined above, I conclude that the proposed development would not cause significant harm to the living conditions of the occupiers of adjoining residential properties in respect of outlook and privacy. As such, the proposal would accord with Policy DMS1 of the DPD which states that development should not harm the amenity of the occupiers of nearby properties.

Other Matters

26. A neighbouring resident has expressed concerns about the structural implications of the proposed development. However, no substantive evidence has been put forward to demonstrate that the appeal proposal would be likely

to result in structural damage. Moreover, the proposed development would be required to be constructed in accordance with Building Regulations.

Conditions

27. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. In the interests of the character and appearance of the area, it is necessary to impose conditions relating to materials and the retention/reinstatement of the boundary wall.

Conclusion

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

Christopher Miell

INSPECTOR

Schedule of Conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos: L1 (Location Plan), 201 (Proposed Lower Ground Floor Plan), 202 (Proposed Ground Floor Plan), 203 (Proposed First Floor Plan), 204 (Proposed Loft Floor Plan), 205 (Proposed Front Elevation), 206 (Proposed Rear Elevation), 207 (Proposed Section 01) and 208 (Proposed Section 02).
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) As part of the development the existing boundary wall facing Tonsley Hill shall be retained. In the event that the existing wall is demolished or otherwise removed, it shall be reinstated with the existing or matching materials to a height and length equivalent to the existing wall. Such works shall be carried out prior to the occupation of the extension hereby permitted and retained as such thereafter.

***** END *****