



Appeal Decision

Site Visit made on 9 March 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2021

Appeal Ref: APP/H5960/W/20/3262252

86 Rossiter Road, London, SW12 9RX

- 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 Martali Management Ltd against the decision of London Borough of Wandsworth.
 - The application Ref 2020/2894, dated 6 August 2020, was refused by notice dated 1 October 2020.
 - The development proposed is "alterations including hip to gable roof extension, erection roof extension to main roof and over three-storey back addition and erection of single storey side/rear extension with roof terrace and 1.7m high balustrading; conversion of the first and second floor flat to provide an additional one-bedroom flat."
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the glazed balustrade and terrace on i) the character and appearance of the area, and ii) the living conditions of occupiers of surrounding properties with regard to any overbearing effects or noise and disturbance arising from its use.

Reasons

Character and appearance

3. The appeal site is a semi-detached house, converted to flats under a previous planning permission, with a flat-roofed extension to the rear. To the rear of the site is a well-used parking area and garage block, which also offers an apparently well-used shortcut for pedestrians. Blocks of flats set in generous green space next to this parking area give the area to the rear of the site an unusually open appearance. The rear of the site is therefore more visible than would normally be the case for a house of this character, and public views are readily available.
4. Against this context, the rear of Rossiter Road has a generally consistent character and appearance, with the original form of the semi-detached pairs still clearly apparent despite various alterations and extensions.

5. The single storey extension on which the terrace and balustrade is proposed is consistent with the established character and appearance of both the group of semi-detached properties, Rossiter Road and Fernlea Road to the rear. The proposed balustrade would however appear starkly different to its surroundings, and as a result, would clash with and ultimately harm, the established character and appearance of the area. I do not consider that the set back from the sides and rear of the extension mitigates against this harm.
6. The relative visibility of the site from the public domain, and its difference to the form and nature of other alterations around it add to the incongruity and harm it would cause.
7. As a result, I consider that the proposed balustrade would harm the character and appearance of the area. It would therefore conflict with Policies DMS1 and DMH5 of the Wandsworth Local Plan Development Management Policies Document, March 2016 (the Local Plan), which seek, amongst other things, to ensure that development is of a high quality, is sympathetic to its content and contributes positively to the character of the area. The proposal would also conflict with guidance in the Wandsworth Local Plan Supplementary Planning Document, Housing, November 2016 (the SPD) which seeks to provide further guidance and detail to interpret and apply policies in the Local Plan.

Living conditions

8. As noted above, there is a parking area and garage block to the rear of the appeal site, as well as residential gardens to either side. I accept that the internal layout of the flat, size of the proposed terrace and the flat will impose a natural limit on its use, and therefore any noise and disturbance arising from it. I also acknowledge that there could be a degree of uncontrolled noise and disturbance arising from use of, or activity within, the parking area and garage block to the rear.
9. Despite that, I remain concerned that any noise and disturbance arising from the use of the proposed terrace would, as a result of its elevated position be of a markedly different character and effect and would be experienced differently and more acutely by occupiers of surrounding properties, whether inside or out, than the same level of use of a garden. To my mind, this difference and increase is such that it would be unacceptable and would have a harmful effect on their living conditions.
10. I do not consider that comparisons between potential noise and disturbance from the parking area and garage block and the appeal proposal are necessarily relevant, as that is not in the remit of this appeal to control, unlike the effects of the appeal proposal. In addition, any such noise and disturbance would originate from ground level, rather than first-floor level as proposed in this appeal.
11. Owing to its set back and height I do not consider that the terrace or its balustrade would harm the living conditions of occupiers of surrounding properties with regard to any visually overbearing effect.
12. Whilst I acknowledge the support in the London Plan for high quality amenity space, which can include the use of roof terraces, this must be balanced against harm to the living conditions of occupiers of surrounding properties. As the conversion of the site to flats was not dependent on this terrace to provide

appropriate living conditions for future occupiers of the appeal site, I do not consider that the provision of a terrace for this flat warrants the harm it would cause to the living conditions of occupiers of surrounding properties. Similarly, I do not consider that the relatively short term imperative for additional amenity space provided by the pandemic outweighs the overall need to ensure that development delivers suitable living conditions for all occupiers for the long term.

13. As a result of the effects of noise and disturbance associated with its use, the terrace would therefore be contrary to the requirements of Policies DMS1 of the Local Plan, which seeks, amongst other things to ensure that development does not harm the amenity of nearby occupiers.

Other Matters

14. Both the appellant and the Council have cited other examples to support their position. However, none of these are to my mind so closely comparable with this appeal proposal or the issues which it raises that they alter my conclusions on the main issues set out above. This serves to highlight the importance of, and the reason for, every case being considered on its own merits.

Conclusion

15. For the reasons given above, and in light of the development plan conflict I have found, I therefore conclude that the appeal should be dismissed.

S Dean

INSPECTOR