



Appeal Decision

Site visit made on 8 June 2021

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2021

Appeal Ref: APP/H5960/W/21/3267167

17 Furzedown Drive, London SW17 9BL

- 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 Ogo Mkparu against the decision of the Council of the London Borough of Wandsworth.
- The application Ref 2020/3598, dated 25 September 2020, was refused by notice dated 23 November 2020.
- The development proposed is erection of a two storey 3 bedroom detached house.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the application was determined, the 2021 iteration of the London Plan has been published and the views of the main parties have subsequently been sought. The policies of the new London Plan and the views received have been taken into account in the decision.

Main Issues

3. The main issues are:
 - the principle of the proposed development with specific regard to its location;
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on the living conditions of the occupiers of 144 Moyser Road with particular regard to outlook and privacy.

Reasons

Principle of the development

4. The appeal site is residential garden land to the side of 17 Furzedown Drive, a two-storey semi-detached house. Policy DMH 4 of the DMPD¹ presumes against the development of residential gardens, stating that residential development will be permitted on appropriate sites, which excludes residential gardens. Paragraph 3.22 of the supporting text and the Council's SPD², further explain

¹ Local Plan: Development Management Policies Document 2016

² Housing Supplementary Planning Document 2016

that the general resistance to the development of garden land is supported by the London Plan.

5. The 2021 iteration of the London Plan (LP), does not emphasise the same level of protection of residential garden land as the previous version. Policy H2 recognises how an area evolves over time and the plan goes on to identify that the incremental intensification of existing residential areas within PTALs³ 3-6, or within 800m distance of a station or town centre boundary, is expected to play an important role in contributing towards the housing targets for small sites. The appeal site only has a PTAL of 1a and is more than the required distance from a station or town centre boundary. It would therefore lead to intensification on a small site that is not promoted by Policy H2 as being appropriate to accommodate additional housing.
6. Accordingly, taking account of the above, the principle of the proposed development is unacceptable. As such, it would conflict with Policy DMH 4 of the DMPD and Policy H2 of the LP. However, because the former policy's exclusion of residential garden land is not promoted in the more recently adopted LP, which has regard to good access to public transport and town centres instead, the conflict with Policy DMH 4 is afforded limited weight.

Character and appearance

7. The appeal site is located opposite the northern part of Furzedown Recreation Ground. From the public open space, it can be appreciated that No 17 and its attached neighbour, No 15, are similar in design to two further pairs of semi-detached houses sited opposite the southern part of the recreation ground and which are numbered 23/25 and 27/29.
8. All six properties have fairly wide side garden areas, notwithstanding a two-storey side extension at No 23. While the continuity between the properties is interrupted by Nos 19 and 21, the former a detached house and the latter an end of terrace, those two properties also have a sizeable gap between their two-storey parts. The wide gaps between the properties make an important contribution to the character of the locality. They enable views through to the greenery in the rear gardens of the properties located behind and provide a strong sense of spaciousness which complements the open character of the neighbouring recreation ground.
9. The proposed scheme would occupy the majority of No 17's side garden area with contextually small gaps left between it and No 17s and 19. As such, the new dwelling would appear cramped, noticeably reducing the strong sense of spaciousness in the area and impinging on the complementary relationship with the recreation ground. The ridge height, eaves level and wide front gable of the proposed dwelling would also appear out of place in the street scene, failing to correspond to the prevailing architectural proportions of the surrounding buildings. This would further emphasise the proposed development's incongruous appearance.
10. In light of the above, the proposed development would have an unacceptably harmful effect on the character and appearance of the area. As such, it would conflict with Policy IS 3 of the Council's Core Strategy 2016 and Policy DMS 1 of the DMPD. These policies seek to ensure high quality design and layout that

³ PTALs: Public Transport Access Levels

reinforces local character and contributes positively to local spatial character. It would similarly conflict with the National Planning Policy Framework (the Framework), which promotes good design and development that is sympathetic to local character. Furthermore, it would conflict with the SPD which specifies that housing development should satisfactorily relate to its surroundings.

Living conditions

11. At its closest point, the existing two-storey part of No 17 is sited around 5.5m from the boundary with 144 Moyser Road. Although the rear of No 17 faces the flank of No 144 at an angle, there is an oblique view from a rear first floor bedroom window at No 17 across the part of No 144's rear garden which is closest to its rear elevation. Views of No 144's rear garden from No 142 Moyser Road are similarly of an oblique nature while those from the rear of the properties on Longstone Road are from a position that is set well back.
12. The proposed new dwelling would have a lower ridge height and eaves level than No 17. Nevertheless, at its nearest point, its two-storey bulk would only be around 1m from the boundary with No 144. Furthermore, a rear first floor bedroom window would provide direct views from a very short distance away over a large proportion of No 144's rear garden area. In this context, the proposal would have a harmful overbearing effect on No 144's rear garden and it would also result in the rear garden being severely overlooked. While the Council's officer report suggested the bedroom window could be opaque glazed because it is a smaller secondary window, the appellant only proposes that the neighbouring first floor bathroom window could be conditioned to be opaque glazed. Furthermore, while there are two previous permissions for two-storey extensions at No 17 which included rear first floor bedroom windows, they were set further back from the boundary than the appeal scheme.
13. Accordingly, the proposed development would have an unacceptably harmful effect on the living conditions of the occupiers of 144 Moyser Road with particular regard to the outlook and privacy of their rear garden area. As such, it would conflict with Policy DMS 1 of the DMPD which seeks to ensure development does not harm the amenity of occupiers of nearby properties in respect of outlook and privacy. It would also conflict with the SPD which specifies that housing development should meet the Council's policies on amenity.

Other Matters

14. The appellant has drawn attention to several permitted schemes in nearby streets and one around 1km away at 47 Eastbourne Road. The full details of the schemes in the nearby streets have not been put before me and it is apparent the detached house at Eastbourne Road was not considered against current planning policy because it was permitted in 2012. The schemes do not justify the harm arising from the proposed development which has been considered on its own merits against extant planning policy and with regard to its particular circumstances.
15. The Framework expresses the Government's objective of significantly boosting the supply of homes and the important contribution that small sites can make to meeting the housing requirement of an area. However, the proposal would only make a small contribution to the housing supply which, whilst positive,

would not be sufficient to outweigh the identified harm and the conflict with the development plan and the Framework.

Conclusion

16. The proposed development would conflict with the development plan as a whole and there are no material considerations, including the Framework, which indicate that the decision should be made otherwise than in accordance with the development plan. The appeal should therefore be dismissed.

C J Ford

INSPECTOR