



Appeal Decision

Site visit made on 23 June 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2021

Appeal Ref: APP/H5960/W/20/3257179

39B Replingham Road, LONDON, SW18 5LR

- 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 Mrs J Evans against the decision of London Borough of Wandsworth.
 - The application Ref 2020/0993, dated 21 April 2020, was refused by notice dated 16 June 2020.
 - The development proposed is the formation of rear roof terrace with 1.6m safety glazed surround at first floor level.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording, matching that used on the Decision Notice has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. However, as both parties have used this description in their submissions, and it is a much clearer description of the development proposed, I have used it in my heading above.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area, and on the living conditions of occupiers of surrounding properties with regard to loss of light, overshadowing, noise and disturbance.

Reasons

Character and appearance

4. As would be expected for their age, the site and other properties around 39B Replingham Road, a first-floor, mid-terrace flat have alterations in a variety of traditional styles, forms, materials, scales and appearances. The appeal proposal would be a relatively tall, obscurely-glazed screen enclosing a roof terrace, on top of a single-storey flat-roofed extension to the flat below, itself set in from the side boundaries.
5. I note that there are glazed terraces in the vicinity of the appeal site, notably to the rear of Pirbright Road, and on the modern flats which overlook the rear gardens of these properties. The glazed terrace on Pirbright Road appears markedly different from its neighbours and is set towards the end of a terrace. Being located more centrally in the street the appeal proposal would be more

prominent. This would make its difference to the established character and appearance starker and more jarring. I do not consider that the balconies on the flats, the various Juliet balconies in the area or the similar development at the rear of Pirbright Road lend support to the appeal proposal, which would be notably different to the established character and appearance of the surrounding area.

6. I note the comparison with regard to scale and form that the appellant has drawn between the appeal proposal and a more traditionally-built extension or alteration, of which there are many in the area. Whilst the glazed screen would be smaller than an extension, it is of a very different character, appearance and effect owing to its materials and relative rarity in the area.
7. I therefore find that the proposal would appear harmfully incongruous within and inappropriate for the established character and appearance of the area, contrary to Policies DMS1 and DMH5 of the Wandsworth Local Plan Development Management Policies Document, March 2016 (the Local Plan). These policies seek, amongst other things, to ensure that development is of a design, character and appearance appropriate and sympathetic to that of the area.

Living conditions

8. Due to the degree of inset from boundaries with neighbouring properties and the proposed materials, although some shadow would be cast over the garden of 39A below, I do not consider that the proposal would cause harmful or unacceptable loss of light or overshadowing.
9. I accept that there may be uncontrolled use of the flat roof at present, however, the proposal would result in a much more accessible and frequently usable space. As a result of its elevated position, any noise and disturbance arising from its use would 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 ground level garden. To my mind, this difference and increase is such that it would be unacceptable and would have a harmful effect on the living conditions of occupiers of surrounding properties with regard to noise and disturbance.
10. As a result, the proposal would be contrary to Policy DMS1 of the Local Plan which seeks to ensure that development does not cause harm to the amenity of occupiers of nearby properties.

Other Matters

11. In support of the proposal, the appellant highlights the provision of outdoor space where there is none, a situation which is not unusual for a property of this type. I note though that there is a small balcony to the front of the property, accessible from the lounge. I accept that it is smaller than the terrace proposed and somewhat more exposed, being on the street frontage, but do not consider that the desire for additional outdoor space outweighs the harm I have found to character, appearance and living conditions.

Conclusion

12. For the reasons given above I conclude that the proposal conflicts with the development plan and there are no material considerations which indicate that a decision be taken other than in accordance with it. The appeal should therefore be dismissed.

S Dean

INSPECTOR