



Appeal Decision

Site visit made on 22 June 2021

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2021

Appeal Ref: APP/H5960/D/21/3271004
93 Chestnut Grove, London SW12 8JG

- 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 Ayse Suevari-Wicks against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2020/4981, dated 21 December 2020, was refused by notice dated 15 February 2021.
 - The development proposed is second floor roof extension to create additional bedroom, bathroom and 10 sq.m. roof terrace.
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Procedural Matter

1. The Council, and the appellant in the appeal form, have used the following description "erection of second floor extension (with French doors and safety railings) above two storey addition and formation of roof terrace above with safety railings". This more accurately describes the proposal.
2. The updated National Planning Policy Framework (the Framework) was published on the 20 July 2021. I have referred to this where relevant.

Decision

3. The appeal is allowed and planning permission is granted for erection of second floor extension (with French doors and safety railings) above two storey addition and formation of roof terrace above with safety railings at 93 Chestnut Grove, London SW12 8JG, in accordance with the terms of application ref: 2020/4981, dated 7 January 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) 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.
 - 3) The development hereby permitted shall be carried out in accordance with the following plans: A-0010 (Location plan); A-0020 (Existing plans 1); A-0021 (Existing plans 2); A-0025 (Sections and rear elevations – existing); A-0031 (Proposed plans 2); A-0035 (Proposed sections and rear elevations).
 - 4) The roof terrace hereby permitted shall not be used until an opaque screen to a height of 1.7 metres above finished floor level has been installed along the side elevation, in accordance with details which shall have first been

submitted to and approved in writing by the Local Planning Authority. The screening shall be retained thereafter as such.

- 5) The extension shall not be occupied until the en-suite and secondary bedroom windows in the flank elevation of the extension hereby permitted have been obscurely glazed and fixed shut up to a height of 1.7 metres above finished floor level. They shall be retained thereafter as such.

Main Issue

4. The main issue is the effect on the living conditions of the occupiers of neighbouring properties in respect of light, privacy and outlook.

Reasons

5. The appeal site comprises a terraced Victorian property within a residential street of similar properties. In common with others in the terrace it has a rear two storey projection which is attached to one side with narrow gap to the boundary on the other.
6. The Council's Housing SPD (2016) (SPD) states that an extension must allow for adequate sunlight and daylight to reach adjoining properties and extensions over existing 'back' additions to terraced housing can cause particular issues as the space between properties is usually already narrow. Such extensions should therefore only extend to a depth of 50% of the existing addition though where there is limited harm to neighbouring amenity, they may be longer. In respect of roof terraces the impact on privacy and potential for disturbance must be carefully considered.
7. The appellant has sought to address the concerns of the Council with regard to impact on light and sunlight through the submission of Sun Path Study. This shows that the impact on the adjoining property, No. 91, would not be significant. In respect of loss of outlook, it is the case that the proximity of the two properties already results in an enclosed feeling to the rear of the terrace, which is not uncommon with these style of properties. As such, whilst I consider that there would be an additional impact on oblique views from the rear facing windows as a result of the increased height of the flank wall, it would not be unacceptable with the main outlook directly towards the rear of the property and the separation distance being unaffected.
8. In respect of the impact on privacy and overlooking, the appellant has confirmed that the side facing windows could be obscurely glazed and I consider that this is necessary to prevent loss of privacy. With regard to the proposed roof terrace, I consider that the main concern in terms of overlooking could be overcome through the use of opaque screening to the side, to which the appellant has also agreed. Given the set back of the proposed terrace, I consider that otherwise there would be no unacceptable overlooking of adjoining garden areas. These matters could be secured by condition.
9. Therefore, in these circumstances, I find that the proposal would not be harmful to the living conditions of the occupiers of the adjoining property. As such there is no conflict with Policy DMS1 of the Wandsworth Local Plan Development Management Policies Document (2016) which seeks to prevent development that harms the amenity of occupiers and users of nearby properties in relation to, amongst other things, overshadowing, outlook and

loss of light. I also consider the proposal would generally accord with the Council's SPD.

10. For the reasons set out above, the proposal would also comply with the Framework, in particular paragraph 130, which seeks to ensure that development is sympathetic to the surrounding built environment with a high standard of amenity for existing and future users.

Conclusions

11. In respect of conditions I consider that they should include reference to the approved plans, require matching materials and the use of an opaque screen to the side elevation of the roof terrace, details of which should be submitted to the Local Planning Authority for approval to ensure an appropriate treatment, and obscure glazing to side facing windows. These are necessary to avoid doubt, in the interests of visual amenity and to protect the living conditions of the occupiers of adjoining properties.
12. Overall, I conclude that this appeal should be allowed.

P Jarvis

INSPECTOR