



Appeal Decision

Site Visit made on 10 August 2021

by **Bhupinder Thandi BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 September 2021

Appeal Ref: APP/H5960/D/21/3273576

266 Earlsfield Road, London SW18 3DY

- 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 Derek Carr against the decision of the London Borough of Wandsworth.
 - The application Ref 2020/4699, dated 3 December 2020, was refused by notice dated 28 January 2021.
 - The development proposed is repositioning of windows and doors to front elevation of a terrace house, including internal alterations and a roof terrace to rear elevation.
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Decision

1. The appeal is allowed and planning permission is granted for repositioning of windows and doors to front elevation of a terrace house, including internal alterations and a roof terrace to rear elevation at 266 Earlsfield Road, London SW18 3DY in accordance with application 2020/4699, dated 3 December 2020, subject to the schedule of conditions at the end of this decision.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application form.
3. The proposed development includes alterations to the front elevation and the formation of a rear roof terrace. The reasons for refusal on the Council's decision notice indicate that the rear extension is the matter in dispute. I have no reason to disagree with the Council's conclusion that the rest of the proposed development is acceptable in planning terms. My reasoning below therefore relates to the rear extension.

Main Issues

4. The main issues are:
 - The effect of the proposed development upon the character and appearance of the host property and the area; and
 - The effect of the proposal upon the living conditions of nearby residents with regard to privacy, noise and disturbance.

Reasons

Character and appearance

5. The appeal property is a two-storey mid terrace dwelling located along a predominantly residential road. The property, to the rear, has a single storey rear projection with a mono pitch roof with a tall parapet and a garden.
6. Neighbouring property No.264 has a two-storey rear wing and a single storey structure projecting off its rear elevation. No.268 has a two-storey rear wing with windows facing the appeal site.
7. The surrounding area has a tight urban grain predominantly in the form of terrace streets with limited separation and gardens of varying depths. There is a myriad of rear extensions in terms of scale, form and design resulting in an irregular character.
8. The proposed rear extension would provide a roof terrace accessed from a first-floor bedroom. There is no doubt that the proposal would alter the appearance of the host property, however, I find that this would not unduly harm its appearance. It would not be visually intrusive but rather the scale, mass and appearance of the proposed development would be proportionate to the host property and would not unacceptably diminish the size of the rear garden.
9. Whilst the rear extension would be larger than the existing wing and would cut across the first-floor opening, it would be similar in height to the existing structure. In my view, its scale and appearance would be reflective of the irregular local character.
10. I conclude that the proposed development would not unduly affect the character and appearance of the host property or the area. It would accord with Policies DMS1 and DMH5 of the Wandsworth Local Plan Development Management Policies Document (2016) (DMPD) which, amongst other things, seek to ensure that the scale, massing and appearance of development provides a high quality, sustainable design; layouts that contribute to local spatial character and extensions that do not harm the building's appearance or are over-dominant.
11. It would also accord with guidance contained within the Housing Supplementary Planning Document (2016) (SPD) which, amongst other things, seeks to ensure that rear extensions respect the size and shape of the existing property and are not over dominant.

Living conditions of existing residents

12. The area has a tight urban grain with a noticeable level of mutual overlooking between properties on account of limited separation and the irregularity of the rear of buildings.
13. Whilst the edge of the roof terrace would extend along the boundary with No.264 the parapet would run along two sides of the terrace and would be just over a metre high along the boundary and the garden edge. I am satisfied that the parapet would prove effective in protecting neighbouring privacy when the roof terrace would be in use. Moreover, given the position of the terrace in relation to neighbouring windows and the garden any overlooking would be at oblique angles preventing any undue loss of privacy.

14. The inclusion of the screen and the separation distance between the roof terrace and No.268 would ensure there would not be a harmful overlooking impact or loss of privacy for existing occupiers.
15. The roof terrace would most likely function as additional garden space for the appellant, in a similar way to the rear garden of the host property. Its use would be domestic and compatible with neighbouring uses. I have no reason to believe that the roof terrace is likely to be a source of noise nuisance or disturbance.
16. I conclude that the proposed development would not adversely affect the living conditions of neighbouring occupiers in relation to privacy, noise and disturbance. It would accord with Policies DMS1 and DMH5 of the DMPD which, amongst other things, seek to ensure that developments do not harm the amenity of occupiers of nearby properties.
17. It would also accord with guidance contained within the SPD which, amongst other things, seeks to ensure neighbours have a reasonable level of privacy inside and in their gardens.

Conditions

18. I have considered the imposition of conditions in accordance with the National Planning Policy Framework and Planning Practice Guidance. I have imposed a condition specifying the relevant drawings as this provides certainty. Conditions in relation to external materials and the screening around the roof terrace are necessary in order to ensure the satisfactory appearance of the development.

Conclusion

19. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin no 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: Existing Plans and Elevations Drawing Number 01 and Proposed Plans and Elevations Drawing Number 03 Rev A.
- 3) The materials to be used in the construction of the development hereby permitted shall match those used in the existing building.
- 4) The roof terrace shall not be used until details of the balustrade has been submitted to and approved in writing by the local planning authority before it is installed. The balustrade shall be implemented in accordance with the approved details and shall be retained thereafter for the lifetime of the development.