



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: 27 September 2021

Appeal Ref: APP/H5960/W/21/3270012 16 Petergate, London SW11 2UE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Charles Palmer against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2020/4043, dated 25 October 2020, was refused by notice dated 11 January 2021.
 - The application sought planning permission for alterations including erection of mansard roof extension to main rear roof including raising the ridge by 300mm and extension above two storey back addition and erection of single storey side / rear extension at 16 Petergate, London SW11 2UE, without complying with a condition of application ref: 2017/1652 granted 16 May 2017 and a condition of application ref: 2019/3826 granted 1 May 2020.
 - The condition in dispute in both cases is No: 2 which states "*The development shall be carried out in accordance with the approved drawings and specifications, unless approved otherwise in writing by the local planning authority.*"
 - The reason given for the condition is "*To ensure a satisfactory standard of development and to allow the local planning authority to review any potential changes to the scheme.*"
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Procedural Matter

1. The updated National Planning Policy Framework (the Framework) was published on the 20 July 2021. I have referred to this where relevant.

Decision

2. The appeal is allowed and planning permission is granted for alterations including erection of mansard roof extension to main rear roof including raising the ridge by 300mm and extension above two storey back addition and erection of single storey side / rear extension, at 16 Petergate, London SW11 2UE, in accordance with the application ref: 2020/4043 dated 25 October 2020, without complying with condition 2 set out in planning permission 2017/1652 granted on 16 May 2017 and condition 2 of planning permission 2019/3826 granted on 1 May 2020 by the Council, but otherwise subject to the following conditions:
 - 1) The works to the boundary parapet wall of the single storey extension hereby permitted shall be completed within six months of the date of this decision. For the avoidance of doubt, this shall result in the height of the boundary wall being a maximum of 2890mm as indicated on the approved plans.

- 2) The development hereby permitted, shall relate to the following plans: Location plan, 01-P01 (Proposed Rear elevation), 02-P01 (proposed side elevation), 03-P01 (Proposed ground floor), 04-P01 (Proposed roof plan.
- 3) The roof of the extension hereby permitted shall not be used as a balcony, roof garden or sitting out area or for any purpose of a similar nature.

Main Issue

3. The main issue is the effect on the living conditions of the occupiers of the adjoining property, 17 Petergate.

Reasons

4. The appeal site comprises a modest two storey mid terrace Victorian property of brick elevations and tiled roof. In common with properties of this age, it has a two storey rear addition with a similar extension present on the adjoining property.
5. Permission was granted for various extensions and alterations in 2017¹, including a single storey side extension located along the boundary with the adjoining property, No. 17. A further permission was granted in 2019² for the same development but which permitted the height of the side wall of this extension to be increased to 2800mm. Following these permissions, the works have been completed but the wall of the side extension has been finished to a greater height than that approved. This appeal now seeks approval for an increase in the height of this boundary wall, as compared to that approved by the 2019 permission, to a maximum of 2890mm.
6. The appellant has explained that the increase in height became necessary due to the need to provide a suitably high parapet finish to the flat roof of the single storey side extension and to ensure the retention of the lead flashing that has been used in order to provide a watertight finish.
7. The adjoining property at number 17 has a ground floor window in the rear facing elevation of the main part of the dwelling that is close to and affected by the existing extension. The currently approved height of the wall is above the highest part of the window and the increased height sought would be roughly in line with the middle of the brick arch above the window. Further windows in the flank elevation of the rear projection which face towards the boundary wall are also affected by the increased height.
8. In my opinion, having regard to the existing relationship and close proximity of the two properties whereby the light received by the windows of the adjoining property is already affected, and that the adjoining property lies to the south of the appeal site, the small increase in the height of the boundary wall would not have an unacceptably harmful increased impact on light or outlook. The rear facing window would retain its main outlook to the south west with the increased additional height of up to a maximum of 90mm having an insignificant impact. With regard to the window facing directly towards the wall, I do not consider that the relatively small increase in height would be unacceptably harmful with the change in outlook being small when considered in the context of the overall extensions that have been carried out.

¹ 2017/1652

² 2019/3826

9. Therefore, I consider that the development would not have a harmful impact on the living conditions of the occupiers of the adjoining property. Thus 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.
10. I also consider that the development would satisfy the Council's Housing SPD (2016) which states that an extension must, amongst other things, allow for adequate sunlight and daylight to reach adjoining properties. Whilst the appellant has not provided any detailed information in respect of the BRE guidance referred to in the SPD, I do not consider this to be unreasonable given the limited increase in height compared to the approved scheme which the Council confirms does not breach this guidance. In that respect, any infringement of the guidance is likely to be minimal.
11. 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

12. Overall, for the reasons set out, I conclude that this appeal should be allowed. Given that a 'new' planning permission is created, conditions on the previous permissions that are still relevant will need to be imposed. This includes a condition to prevent use of the flat roofed area as a 'sitting out' area, in order to protect the privacy of the occupiers of adjoining properties. In addition, as imposed on the 2019 permission, conditions to require the work to be undertaken within a set time following the grant of permission and to refer to the approved plans are also necessary for the avoidance of doubt and to ensure an acceptable appearance to the development and in the interests of the amenity of the occupiers of the adjoining property.

P Jarvis

INSPECTOR