



Appeal Decision

Site Visit made on 22 June 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

Appeal Ref: APP/H5960/W/21/3271934

19 Melrose Road, London SW18 1ND

- 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 Ms Katy Barker (Whitecrest Development Ltd) against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2020/2282, dated 24 June 2020, was refused by notice dated 25 February 2021.
 - The development proposed is to construct a single storey extension to the rear of the property and two storey side extension to the side of the building. The proposal will result in the addition of two residential units, increasing the number of flats from four to six.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms Katy Barker (Whitecrest Development Ltd) against the Council of the London Borough of Wandsworth. This application is the subject of a separate decision.

Preliminary Matters

3. A revised Framework¹ was published by the Government between the determination of the planning application and the appeal coming before me. I am satisfied that this latest version of the Framework does not raise any new considerations in relation to this appeal.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the neighbouring occupiers at 17 Melrose Road, with specific regard to whether or not it would be overbearing.

Reasons

5. The proposed side extension would be set back from the front elevation of the existing building and would project beyond its rear elevation. It is designed to infill most of the space between the existing side elevation of the appeal building and the boundary with 17 Melrose Road.
6. This neighbouring property benefits from a large, south facing garden with open east and west aspects. The garden is enclosed by high walls and fencing which provide privacy for users. The proposed side extension would be some

¹ National Planning Policy Framework (2021)

three storeys in height. It would be positioned almost parallel to the neighbour's rear patio area. Despite a difference in ground levels between the two sites, the proposal would be substantially higher than the existing means of enclosure. I find that the extension's height, depth and position would ensure that it would be an intrusive feature that would be overbearing and dominate the outlook from this part of the neighbour's garden.

7. The neighbour would retain good levels of outlook from other parts of their garden. However, that would not mitigate the overbearing nature of the extension which would create a sense of enclosure and, in my opinion, significantly compromise the enjoyment of this part of the garden area. In addition, 17 Melrose Road has a rear extension with roof windows. Given the height of the proposal it would clearly be visible and have something of a looming presence for occupiers of the extension, adding to the sense of enclosure. Whilst the proposal would be visible from the upper floor rear windows of 17 Melrose Road, given their position in relation to it, the outlook from them would not be unacceptably affected.
8. For the above reasons, I find that the proposal would be overbearing such that it would create a sense of enclosure and unacceptably compromise outlook to an extent that would be harmful to the living conditions of the neighbouring occupiers at 17 Melrose Road. Accordingly, the proposal would be contrary to Policy DMS1 of the Local Plan² which, amongst other things, seeks to ensure that new development is not overbearing and does not harm a neighbour's outlook.

Other Matters

9. I have not had further regard in this decision to concerns over how the Council handled the planning application as this is an administrative matter to be taken up directly with them. I have focused on the planning merits of the scheme in regard to the main issue of the case.
10. Third parties also raise, amongst other things, whether the proposed development would preserve or enhance the character or appearance of the WHRCA. I am aware of the Council's findings in this regard. That said, if I were to find that the appeal scheme would not cause harm to the WHRCA and thus the character and appearance to be preserved, my conclusions on the effect of the proposed development on the living conditions of neighbouring occupiers would not change and, subsequently and by association, neither would the outcome of the appeal.
11. The appellant argues that the proposals are modest and not significant in relation to the overall size of the appeal building and site. They point to the sunlight/daylight/overshadowing surveys and maintains that exceeding the British Research Establishment standards indicates that the proposal is modest. However, these factors do not necessarily mean that the proposal cannot have an overbearing effect. Indeed, the appellant agrees with the Council that overbearing is a separate issue to sunlight and daylight.
12. There is dispute between the main parties as to whether the two windows in the side elevation of the side extension would add to the sense of enclosure. Whilst I have found the structure as a whole to be harmful, the windows, even

² Wandsworth Local Plan: Development Management Policies Document (2016)

if obscurely glazed and fixed shut, would be somewhat unneighbourly features, particularly the first floor kitchen window given its position and proximity to the boundary. Whilst the windows do not add to the physical size of the building, they would add to the overall sense of intrusion caused by the extension.

13. The proposal would involve a number of what the appellant terms 'planning and heritage benefits', such as replacing the existing uPVC window frames with timber ones; providing space to the front lightwells, amended bin store arrangements and revised windows at lower ground floor level. I note that not all of them would necessarily be dependent upon the extensions being built and could be undertaken regardless of any extension. Notwithstanding this, these works would not, in my opinion, outweigh the harm I have identified.
14. The appellant also notes that the Council does not object to the principle of the development as a whole and that many aspects of the proposal such as the size of the proposed units, the car and cycle parking, tree protection and landscaping etc. are not in dispute between the main parties. This would however be a lack of harm which, by definition, would be incapable of weighing against harm. Accordingly, it would be neutral in any balance.
15. I have considered the appeal decisions and drawings that were put before me. However, they are different proposals with different contexts and each case must be determined on its own merits. They do not therefore lead me to allowing the appeal.
16. I acknowledge that the appellant has engaged in discussions with the Council over a protracted period of time and has revised the scheme in the light of those discussions. Whilst I acknowledge the appellant's frustrations in believing this would lead to a positive outcome, these are not matters to which I can attach weight in my decision.

Planning Balance and Conclusion

17. The Government's objective is to significantly boost the supply of housing and the proposal would result in two new units with adequate access to services. The proposal would also accord with the Framework's support for windfall sites. However, given the small scale of the proposal, the provision of the additional residential units would attract only modest weight. The scheme would also lead to a small and time-limited economic benefit during the construction phase, which may give rise to extra local employment.
18. Conversely, I have found harm in relation to the effect of the proposed development on the living conditions of the neighbour. This harm is significant, would result in conflict with the development plan and as a consequence worthy of substantial weight that would outweigh the benefits associated with the proposed development.
19. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

Stewart Glassar

INSPECTOR