



Appeal Decision

Site visit made on 20 October 2021

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 19th November 2021

Appeal Ref: APP/H5960/W/21/3277942

5 Gambole Road, Flat 2 First Floor, London SW17 0QJ

- 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 Nevin against the decision of Wandsworth Council.
 - The application Ref 2021/1910, dated 22 April 2021, was refused by notice dated 17 June 2021.
 - The development proposed is the addition of roof terrace over existing flat roof with masonry elevation walls, timber louvre shutters and wrought iron balustrade.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Whilst I have had regard to the revised national policy as a material factor, in this instance the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issues

3. The main issues are the effect of the development on: the character and appearance of the host dwelling and the surrounding area; and the living conditions of occupiers of neighbouring dwellings, with particular regard to outlook, privacy and noise and disturbance.

Reasons

Character and Appearance

4. The appeal property is a first floor flat in a terraced house on Gambole Road, looking onto the ground floor flat roof at the rear. The area is residential, with the street running perpendicular to Garratt Terrace and Gilbey Road. As such the rear elevations and back gardens of these streets are visible from the property, with Nos. 92 and 94 Gilbey Road adjacent to the site.
5. The proposal would introduce a terrace to part of the flat roof. While it would not be readily visible from the public highway, clear views would be possible from nearby rear gardens. Due to its elevated position it would be a prominent feature in these surrounds, where it would be the first example of a first floor terrace in the immediate vicinity. In this sense it would appear out of place, introducing an incongruous feature to the dwelling that would fail to respect

the pattern of development and which would visually and functionally alter the nature of the rear area at this group of properties.

6. The prominence of the proposal would be further highlighted by its side treatments and screening. The Wandsworth Local Plan Housing Supplementary Planning Document, November 2016 (the SPD) states such screening should be unobtrusive. However, the projecting brick walls, timber shutters and iron balustrade in this raised location would be a conspicuous feature. They would fail to integrate with the flat roof of the dwelling or reflect the prevailing character of the immediate area. They would also signal the presence of the terrace, setting the dwelling apart from neighbouring properties.
7. For the reasons given I find that the development would have a significant adverse effect on the character and appearance of the host dwelling and the surrounding area. As such, it would fail to accord with Policies DMS1 and DMH5 of the Wandsworth Local Plan Development Management Policies Document, March 2016 (the DMPD) and the SPD, which together seek to promote good design.

Living conditions

8. The timber shutters and set back of the terrace seek to address amenity issues. Nonetheless, while the flat roof is a substantial feature, the proposal would introduce additional bulk at first floor. This would appear unduly obtrusive and overbearing from the neighbouring rear gardens at No. 3 Gambole Road and Nos. 92 and 94 Gilbey Road. This would diminish the outlook from these locations due to their proximity and, in the case of Nos. 92 and 94, the modest nature of the gardens. As such, the residents of these properties would have the enjoyment of their rear gardens eroded.
9. As an outdoor amenity area, the proposal would introduce additional noise and disturbance through its use. Such noise would be perceivable from surrounding rear gardens, particularly No. 3 Gambole Road, Nos. 92 and 94 Gilbey Road, and the ground floor flat below, due to their proximity. Furthermore, despite proposed screening, due to the proposal's elevated position it would result in overlooking of surrounding gardens. Neighbouring occupiers' enjoyment of these gardens would be therefore be unduly impacted as the terrace would likely be used for prolonged periods of time, particularly during good weather when others are also likely to spend time outside.
10. For the reasons given I find that the development would have a significant adverse effect on the living conditions of neighbouring occupiers, with particular regard to outlook, privacy and noise and disturbance. As such, it would fail to accord with Policy DMS1 of the DMPD which seeks to promote adequate living conditions.

Other Matters

11. Reference has been made to various roof terraces that have been granted permission within the surrounding area, including at No. 5 Gambole Road. While limited information has been provided to draw meaningful comparisons with the case before me, I note the design differences stated by the Council such that these are primarily second floor terraces, and that some of the examples are smaller in scale and closer set in than the proposal, with glazed screening. In any event, the presence of other terraces in the general area

would not be justification for allowing a proposal that would be harmful to the character and appearance of the dwelling and area, and to the living conditions of surrounding occupiers. The proposal must be assessed on its own circumstances and a general reference to approved schemes elsewhere therefore carries little weight, which fails to outweigh the harm identified.

12. The Council has provided a copy of an appeal decision¹ in respect of a proposed first floor terrace nearby. While there are similarities between the schemes, from the plans provided the positioning, orientation and detailing of the terrace differs from that in this case. As such, I have assessed the case before me on its own merits.

Conclusion

13. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR

¹ APP/H5960/W/17/3180191