
Appeal Decision

Site Visit made on 24 November 2021

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2021

Appeal Ref: APP/H5960/W/21/3275298

218 Tooting High Street, London SW17 0SG

- 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 R Alibhai of Alibhai Ventures Ltd. against the decision of London Borough of Wandsworth.
 - The application Ref 2020/3136, dated 21 August 2020, was refused by notice dated 17 February 2021.
 - The development proposed is the erection of new block to include 2 bedrooms, bathrooms and reception area, linking to existing lower ground floor flat to form overall 3 bedroom self contained residential unit. Partial reconfiguration of existing ground floor commercial space. Related bin stores, light well and front amenity space.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of future occupants of the proposed unit, with regards to outlook, daylight and sunlight.

Reasons

3. The appeal property comprises of a three storey mid-terrace on the north-west side of the busy Tooting High Street. Similar terraced properties are located to the north and south and have two storey and single storey-built form to their rears which flank the appeal site. The appeal property has a commercial premise on the ground floor and residential accommodation in the lower ground, ground floor to the rear, first and second floors. Whilst the proposal would, in part, maintain the established residential use, it would also see the internal layout altered to increase the size of the commercial use at the front and that of the residential unit through a two-storey linked extension to the rear. Thus, the appeal scheme differs from the existing use and built form.
4. A bathroom would mean that the proposed lower ground floor bedroom would be in two parts connected by a gap of around a door's width. The bathroom would physically separate the two parts of the bedroom to the extent that it would not function as a dual aspect room. Moreover, the size of each space would mean that the bed, wardrobes or other furniture could not all physically be within the same space despite the proposed plan not showing how the bedroom would be laid out. It would also be impossible to detect a contravention of a planning condition if the bedroom was not used as a single room due to its position on the lower ground floor.
5. Bedrooms are habitable rooms used typically at night, but not exclusively so.

They are not used solely for sleeping and they do need to be able to function for the lifetime of the development and all potential occupiers. The bedroom should therefore function in terms of outlook, daylight and sunlight.

6. There would be no change to the existing lightwell serving the front part of the bedroom and given that this part of the building is currently enclosed as a bedroom, the proposal would not cause harm in this regard insofar as outlook, sunlight and daylight.
7. A larger full width and full height opening would be formed in the rear elevation to serve the rear part of the bedroom. This opening would be larger than the existing window and the canopy to the rear would be removed. Even so, the addition of the proposed linked rear extension of the scale close to the rear elevation would mean that the outlook from the lower ground floor bedroom would be unsatisfactory. Moreover, the proposed extension and its relationship to this window would mean that adequate sun and daylight would not serve the bedroom. The effect would be harmful to future occupants living conditions.
8. Planning permission has recently been granted (Ref: 2021/3214) for a similar scheme to that before me ('the approved scheme'). However, the two schemes differ for the reasons explained by the Council. As the approved scheme would not have an equal or more harmful effect on future occupants living conditions than the appeal scheme, it does not justify the proposal.
9. I conclude that the proposed development would harm the living conditions of future occupants of the proposed unit, with regards to outlook, daylight and sunlight. Conflict would therefore be caused with Policies DSM1 and DMH4 of the Development Management Policies Document which jointly, among other things, seek development not to harm the amenity of occupiers/users through unsatisfactory outlook or sunlight/daylight.

Other Matters

10. The proposal would be an effective use of the site and result in the formation of a family sized unit in an accessible location that responds to its surroundings. I agree with the appellant that there are no issues in respect of noise, parking and land contamination or the scheme's ability to provide adequate bin stores, amenity space and cycle parking. These matters do not, however, alter or outweigh the harm that I have identified to future occupants living conditions.
11. I note the concerns raised by a neighbouring occupier in terms of privacy due to the proposed terrace and first floor openings in the proposed extension. While I note the Council's point that the former could potentially be overcome through a planning condition, given that I have found the scheme harmful for other reasons I have not explored the merits of these points further.

Conclusion

12. The proposal would not accord with the Development Plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.
13. For the reasons given above I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR