



Appeal Decision

Site visit made on 8 March 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Monday 28 March 2022

Appeal Ref: APP/H5960/W/21/3285438

23 Dornton Road, London SW12 9NB

- 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 Joshua Clementson (Designworks) against the decision of London Borough of Wandsworth.
 - The application Ref 2021/1963, dated 25 April 2021, was refused by notice dated 21 June 2021.
 - The development proposed is for works to form a hip-to-gable side roof extension, mansard roof extension to main rear roof (with French doors and safety railings) and formation of roof terrace with 1.7m glazed screen surround.
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Decision

1. The appeal is allowed, and planning permission is granted for works to form a hip-to-gable side roof extension, mansard roof extension to main rear roof (with French doors and safety railings) and formation of roof terrace with 1.7m glazed screen surround at 23 Dornton Road, London SW12 9NB in accordance with the terms of the application, Ref 2021/1963, dated 25 April 2021, subject to the conditions in the attached Schedule of Conditions.

Preliminary Matters

2. My description of the development in the banner heading above reflects what was proposed as part of the planning application. The development includes several alterations to the roof, but the description of development on the planning application form only refers to changes to a previously approved scheme. At the time of my visit, no works had been carried out to alter the roof or carry out previously approved works. Therefore, the description has been changed to provide clarity on the proposed development.
3. The appellant has confirmed in the Statement of Case that the roof terrace is proposed with the dimensions 3.6m by 2.7m and that they have no access to the rear garden of the property. The Council has not contended this evidence, and for reasons of clarity, I have assessed the scheme based on the measurements confirmed and the fact that the appellant is not able to access the rear garden.

Main Issue

4. The effect of the proposed development on the living conditions of 21 Dornton Road, with particular regard to noise and disturbance.

Reasons

5. The property is a semi-detached property, divided into flats and adjoined by 21 Dornton Road. The flat subject of this appeal includes the first and second floors of the property.
6. The roof terrace would be accessed from an extended loft bedroom and would utilise part of the existing rear annex roof. The proposed roof terrace would amount to 9.7 sq m in area, and the appellant has set out that it would be used in conjunction with the master bedroom, day to day exercise as well as for the occupants to sit out. There is an existing terrace of a similar size, accessible from the same property at first floor.
7. Although the proposed terrace would be situated close to the adjoining neighbours bedroom at No 21, the terrace would be small and predominately used by the occupants of the loft bedroom. As such, the terrace is unlikely to be a space that would facilitate large gatherings, which would unacceptably impact upon the neighbours living conditions by virtue of noise and disturbance. In combination with the small size, the proposed terrace would also be separated from this neighbour by a brick party wall. The position of the party wall in between would further mitigate against any unacceptable levels of noise and disturbance impacting on the occupiers of the nearest adjoining property.
8. I appreciate that the flat does have an existing terrace on the first floor, which is of a similar size to the proposed roof terrace but accessed from another bedroom. Cumulatively, the terraces could potentially hold larger gatherings, but, in my judgement, the two terraces are distant from one another and would clearly be distinct, separate spaces and should be considered as such. As such, the use of the two smaller terraces would not result in large gatherings, which could generate noise and disturbance that would be harmful to the neighbours living conditions.
9. I, therefore, conclude that the proposed development would not cause harm to the living conditions of the occupiers of 21 Dornton Road by virtue of noise and disturbance. As such, the proposal would accord with Policy DMS1(c) of the Wandsworth Development Management Policies Document Local Plan 2016 and advice contained within the Wandsworth Housing Supplementary Planning Document 2016, in so far as the proposed development would not harm the living conditions of the occupiers of nearby properties by virtue of noise and disturbance.

Conditions

10. A condition ensuring the obscure screening is installed on the terrace prior to its use, and details of its level of obscurity to be agreed with the Council, are required to safeguard neighbours living conditions. A condition requiring the external finishes of the proposed development to be agreed prior to their use has also been included to ensure the development is finished to a high quality. The appellant and Council are aware of the proposed conditions and have not raised any objection to them being included.

Conclusion

11. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed.

M. P. Howell

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: Site Location Plan, drawing reference 0082-002, drawing reference 0082-004, drawing reference 0082-005 and Fire Safety Report dated 15 June 2021
- 3) The approved roof terrace shall not be used until the obscure screening has been fitted in accordance with the approved drawing ref 0082-004. Details of the type of obscure screening shall be submitted to and approved in writing by the local planning authority before the screening is installed, and once installed the obscured screening shall be retained in this manner thereafter.
- 4) Prior to their use in the construction of the approved development, details of the external materials to be used shall be submitted to and approved in writing by the local planning authority. The proposal shall be carried out in accordance with the agreed external materials.