



Appeal Decision

Site visit made on 15 June 2022

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 July 2022

Appeal Ref: APP/H5960/D/22/3290964 16 Bemish Road, London SW15 1DG

- 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 Alistair Fanning against the decision of the London Borough of Wandsworth.
 - The application Ref 2021/4846, dated 11 October 2021, was refused by notice dated 23 December 2021.
 - The development proposed is the erection of a roof extension above two storey back addition.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a roof extension above two storey back addition at 16 Bemish Road, London SW15 1DG in accordance with the terms of application, Ref 2021/4846 dated 11 October 2021 and the plan submitted with it, subject to the following conditions: -
 - 1 The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2 The development hereby permitted shall be carried out in accordance with the approved plans: 529/AND/V1/00/DR/A/1010 – Proposed Rear Extension, 529/AND/V1/00/DR/A/1020 – Proposed Long Section, 529/AND/V1/02/DR/A/1004 – Proposed Second Floor, 529/AND/V1/00/DR/A/1011 – Proposed Side Elevation
 - 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4 Prior to occupation of the development the window in the side elevation at second floor level of the development shall be obscure-glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The window shall be maintained and retained as such.

Procedural Matters

2. The description of development is taken from the Council's decision notice and the appeal form as it more accurately describes the development.

3. Planning permission has been granted on 30 August 2021 (Council reference 2021/3047) for a roof extension of the same form as that proposed under this appeal scheme but with a depth of 3.6m compared to the 5m now proposed.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupiers of No.18 by virtue of overbearing impact and sense of enclosure.

Reasons

5. No.16 is a traditional terraced property with a two storey back addition extending partially across Nos. 14 & 16. The other properties in the terrace follow the same form and many exhibit a range of extensions and alterations to the roof.
6. The existing pitched roof to the back addition would be squared off with the proposed extension sited above, and projecting along a significant proportion of its depth. The extension would exceed the "rule of thumb" in the Council's *Housing Supplementary Planning Document* (SPD) to extend over only 50% of the length of a back addition. The SPD explains that this is to assist with potential problems of reducing light and overlooking where properties are close together. In this case the rear elevation is orientated to the west, and the Council has not identified any significant loss of amenity to the living conditions of the occupiers of the neighbouring properties in relation to privacy, overshadowing or loss of light.
7. The increased height of the rear addition would add bulk at roof level. Nonetheless, the mansard roof form reflects similar extensions to other properties within the terrace. Whilst those of the same design to Nos.18¹ and 22 are more limited in depth, the extension would more or less align with the existing projection to No. 14. In my opinion this would create an element of consistency and in this context, it would not appear top heavy.
8. The extension is set away from the boundary with No.18, with the intervening space before the existing rear addition containing a first-floor window in the appeal property. Given the separation, in my opinion, the increased depth of the extension which slopes away from No.18, would not significantly increase the sense of enclosure from its first-floor windows or the roof of the conservatory.
9. As such, I find that the proposal would not have an overbearing impact to the detriment of the living conditions of the occupiers of No.18. Thereby it would accord with policy DMS1 of the Wandsworth Local Plan Development Management Policies Document, which amongst other things, requires that development does not harm the amenity of occupiers of nearby properties through unacceptable overbearing or unsatisfactory outlook, and would accord with the general guidance of the SPD as a whole.

Other Matters

10. Interested parties have raised several other issues which were addressed in the Council's officer report, and there is no specific evidence before me which would lead me to take a different view on these issues. The proposed window

¹ The application plans do not show this extension or reflect the rear elevation of No18 as I saw on my site visit.

in the side of the extension is indicated to be obscurely glazed and can be restricted by condition to ensure privacy, and any requirements relating to the Party Wall Act or access for maintenance are separate matters.

Conclusion and Conditions

11. I therefore conclude that the appeal should be allowed, subject to conditions to ensure compliance with the statutory requirements relating to the commencement of development and the plans in order to provide certainty. I have also imposed a condition requiring the materials to match the existing property, and for the side window to be obscurely glazed, in the interests of the character and appearance of the area and privacy.
12. The appeal is allowed.

G Ellis

INSPECTOR