
Appeal Decision

Site visit made on 7 September 2022

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th September 2022

Appeal Ref: APP/H5960/D/21/3278313

96 Ormeley Road, London SW12 9QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Steve Hewson against the decision of London Borough of Wandsworth.
 - The application Ref 2020/3703, dated 30 September 2020, was refused by notice dated 24 May 2021.
 - The application sought planning permission for development described as erection of dormer roof extension to main rear roof (with french doors and safety railings); erection of roof extension and formation of roof terrace with glazed screen surround over part of two storey back addition without complying with a condition attached to planning permission Ref 2019/2413, dated 6 December 2019.
 - The condition in dispute is No 2 which states that: *the development shall be carried out in accordance with the reports, specifications and drawings detailed [3626/2 Rev B].*
 - The reason given for the condition is: *to ensure a satisfactory standard of development and to allow the local planning authority to review any potential changes to the scheme.*
-

Decision

1. The appeal is allowed and planning permission is granted to carry out development without complying with condition No 2 of planning permission Ref 2019/2413, dated 06 December 2019 for the erection of dormer roof extension to main rear roof (with french doors and safety railings); erection of roof extension and formation of roof terrace with glazed screen surround over part of two storey back addition at 96 Ormeley Road, London SW12 9QG in accordance with the terms of the application, Ref 2020/3703, dated 30 September 2020, and subject to the following conditions:
 - 1) The development hereby permitted is as shown on approved plan reference 3626/2 Rev E insofar as it relates to the dormer and roof extension, parapet walls, french doors with safety railings and roof terrace only and not the glazed screen.
 - 2) Details of an obscure glazed screen to a height of 1.7 metres above the finished floor level of the roof terrace hereby permitted shall be submitted to and approved in writing by the local planning authority. Development in regard to the approved screen shall be completed within three months of the date of this planning permission and retained thereafter.
 - 3) The window in the side elevation of the rearmost bedroom hereby permitted 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 finished floor level

of the room in which the window is installed). The window shall be retained as such thereafter.

Procedural Matters

2. The development that has been carried out at the appeal site was not in accordance with the plans approved as part of planning permission 2019/2413. Hence the appeal. The changes before me to consider, as effectively amended plans, include a wider rear extension, the use of a vertical side elevation instead of a roof slope, raising the party wall height, widening the roof terrace, reducing the height of the screening and using clear glazing instead of obscure.

Main Issues

3. The main issues are the effect of the amended plans and thus the development on a) the living conditions of neighbouring occupiers; and b) the character and appearance of the area.

Reasons

Living Conditions

4. The appeal building is a two storey dwelling with rooms in its roof space. The latter formed by a dormer window extending out to the rear. There is a roof terrace attached thereto, atop the first floor. The street consists of a tight grain of terraced housing. Gardens are small and enclosed at the rear of each dwelling.
5. The roof terrace, due to its elevation, position and size, offers clear and unobstructed views into neighbouring gardens and windows at close quarters. Due to the span of the terrace and the use of low level clear glazing in its enclosure, these views are available from a number of points thereon and one does not have to be standing up or leaning over the edge to take advantage of them. Of particular concern is how close and direct views are available into the first floor windows of No 94, and its own roof terrace, and to a lesser extent 98 (the raising of the parapet wall limiting such views to having to stand up and look over). The limited size of the neighbouring gardens offers equally limited opportunity for sitting out and thus some form of private enjoyment. These areas are almost completely overlooked by the terrace due to its span and use of low clear glazing panels. The development in this regard therefore unacceptably reduces the privacy of neighbouring occupiers. The amended plans would thus, in their existing form, be unacceptable.
6. The appellant has asked that I consider the possibility of requiring the replacement of the existing screens with obscure glazing and making them taller. I note that this was a condition of the original planning permission. This would suitably address my concerns in terms of the privacy of neighbours. I have therefore imposed, as I have explained below, a similar condition regarding the height and nature of the roof terrace glazing.
7. With this in mind, the development would not cause harm to the living conditions of neighbours and thus, in regard to this main issue, comply with Policy DMS1 of the Local Plan¹. Along with the advice contained in the Housing SPD², this policy seeks to ensure that development does not harm the amenity

¹ Wandsworth Local Plan Development Management Policies Document 2016

² Wandsworth Housing Supplementary Planning Document 2016

of occupiers/users and nearby properties through, amongst other things, privacy.

Character and Appearance

8. The changes to the dormer window, the widening of the roof terrace and the raising of the parapet wall detail have all added bulk to the rear elevation of the host dwelling, at a height where it appears top heavy thereon. This was over and above that which was deemed acceptable by the Council. I am also mindful that the rear elevation of the dwelling, owing to its position at the far eastern end of Ormeley Road, is highly visible in the Cavendish Road street scene.
9. Whilst larger than the permitted scheme, the appeal development is not substantially so, and the bulk of the main building can still be appreciated. In addition, the changes are in amongst a variety of similar extensions, of a variety of scales and bulk in themselves. The stepped dormers over the rear of No 100 on the corner of Ormeley Road and Cavendish Road particularly draw the eye in terms of views from Cavendish Road, as well as some wider dormer windows (with noticeably prominent parapet walls) further west. The development therefore finds itself in something of a mixed context (through the exercise of permitted development rights or otherwise) to the point that I could not agree that it harms the character or appearance of the area.
10. In regard to this main issue therefore, I find no conflict with Policies DMS1 or DMH5 of the Local Plan which, along with the advice of the Housing SPD, set out to ensure that (in regard to alterations and extensions specifically) development is well designed, of a high quality that contributes positively to spatial character, is sympathetic to the style of building and not over dominant.

Other Matters

11. The Council have drawn my attention to a planning permission granted in 2006 for development which included a roof terrace to No 94. That scheme required agreement of screening therefore which was never resolved. It thus now stands with iron railings around it. I was able to observe this as part of my site visit. It seems the terrace has been installed in breach of its planning permission, or specifically conditions attached thereto, for some time. To the extent that the Council are no longer in a position to take enforcement action. That said, and whilst it offers some overlooking of neighbouring gardens, this roof terrace is set much further into the rear projection of the dwelling, limiting views to being further away and at more oblique an angle. It does not therefore give rise to the same level of harm as the appeal scheme as it stands. In any event, its circumstances are not the same.

Conditions

12. Since the development subject of the appeal has been carried out, there is no need for a condition specifying the timescale for commencement of works. For the same reason, the materials condition is no longer required. The approved plans have been included, save for the detail in regard to the roof terrace screens which has not been approved. These are subject to their own condition to agree their details which should include them being 1.7 metres above the finished floor level of the terrace and obscure glazed as per my findings on the first main issue. I have set out a reasonable time period of three months to

have these screens installed. Since it is for compliance purposes and to further prevent overlooking as per the original planning permission, a condition requiring the window in the side elevation to be retained as obscure glazed and non opening (unless an opener is above 1.7 metres from the finished internal floor level) has also been included.

Conclusion

13. For the reasons and subject to the conditions I have set out above, the appeal scheme would comply with the development plan and as such the appeal should be allowed in the terms I have described.

John Morrison

INSPECTOR