



Appeal Decision

Site visit made on 6 September 2022

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2022

Appeal Ref: APP/H5960/W/22/3294237

Kersfield House, 11 Kersfield Road, London SW15 3HJ

- 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 Vera Road Limited against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2021/3381, dated 15 July 2021, was refused by notice dated 27 January 2022.
 - The development proposed was described as "Erection of a single storey roof extension over the existing rear wing of the building to provide 6 x 1 bedroom self-contained flats (use Class C3) with associated internal works and outdoor amenity terraces".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the application the scheme was revised, and the number of units reduced from six to four. It is clear that the Council made their decision on the basis of four units and therefore I shall determine the appeal on that basis.

Main Issues

3. The main issues are the effect of the proposed development on the:
 - Character and appearance of host building and the surrounding area; and
 - Living conditions of the occupiers of flats within the appeal building with regard to privacy and noise and disturbance.

Reasons

Character and Appearance

4. The appeal site is located in a predominantly residential area characterised by apartment blocks set back from the highway in relatively modest grounds. The appeal building is 'T' shaped in form, having a seven-storey frontage block and a rear wing made up of two storeys of accommodation with undercroft parking and servicing. The building has been previously extended with additional units on the roof of the frontage block and on the end of the wing.
5. The proposal before me involves the introduction of a roof extension on the rear portion of the wing which would provide four one-bedroomed apartments. The extension would be inset slightly from the outer walls of the existing building and would be constructed in grey cladding. Windows on the side elevations would broadly mirror those in the floors below. The proposed

apartments would differ from those in the existing building with the inclusion of small outdoor balconies which would be partially open and fitted with louvred screens around part of their perimeter. These would be situated on the four corners of the extension. The elevation facing back towards the main frontage block of the building would be curved.

6. The front of the building facing Kersfield Road would be unaltered by the proposed development. The extension would nevertheless be visible from the rear of properties on Rusholme Road and from flats within the appeal building which have an aspect onto the rear. Although the proposed development would be viewed in the context of residential development, it would nevertheless, add bulk to the rear portion of the building.
7. The transition between the main frontage block and the resultant step created by the proposed extension, combined with the curved façade and private balconies with louvred screens would appear as alien features on the rear portion of the building and would not integrate well with the host building.
8. Although the materials of the proposed extension would reflect those used in the previous upward extension of the frontage block, the current proposal is physically separated and visually distinct from that part of the building. As a result, the proposed extension would appear incongruous and out of character with the host building. Furthermore, when viewed from flats at lower floors of the rear of main block of the appeal building, looking upwards would be an overly dominant feature above the current roofline of the rear wing of the building.
9. For those reasons, I find that the proposed development would cause harm to the character and appearance of the host building and the wider area contrary to Policy DMS1 of the Wandsworth Local Plan Development Management Policies Document 2016 (the DMPD) which seeks, amongst other things, to ensure buildings have a high level of physical integration with their surroundings.
10. The appeal site lies immediately adjacent to but not within the Rusholme Road Conservation Area (CA). The CA is characterised by Victorian and early Edwardian residential architecture. In considering the effect of the proposal on the CA's setting the impact must be weighed against the harm it would have on the heritage asset as a whole. The scale of the proposal and its separation from the CA would be such that the setting of the CA would not be affected and would therefore not result in harm to the special interest of the CA. The effect of the proposed development on the character and appearance of the CA and therefore the significance of the CA would be preserved.

Living Conditions – Privacy

11. Bedroom windows and open corners of balconies for two of the proposed flats would face towards living accommodation in flats in the frontage block of the appeal building. The distances here would be much closer than is typically found in this area. As a result, there would be a sense of overlooking and a perceived if not actual loss of privacy for those occupiers of flats in the appeal building which would look towards the proposal as a result of the partially open balconies and bedroom windows facing the main frontage block of the appeal building.

12. Views towards properties on Rusholme Road from the balconies of the proposed flats would be partially obscured by louvres around the perimeters of the balconies. Occupiers of properties on Rusholme Road have previously enjoyed a high degree of privacy at the rear, and that perception of privacy may be eroded as a result of the proposal. Nevertheless, the distances involved and intervening trees on the boundary would be such that the properties on Rusholme Road would not, as a result, be directly overlooked to any significant degree which would cause demonstrable harm to their living conditions.
13. I therefore find that the proposed development would not cause significant harm to the living conditions of the occupiers of properties on Rusholme Road. Nevertheless, the harm caused to the living conditions of the occupiers of flats within the appeal building, with particular regard to privacy would be significant. The proposed development would therefore be contrary to the relevant requirements of Policy DMS1 of the DMPD which seeks to ensure, amongst other matters, that new development does not harm the living conditions of the occupiers of nearby properties.

Living Conditions – Noise and Disturbance

14. The Council is concerned that the introduction of private balconies for the proposed flats would result in unacceptable levels of noise and disturbance for the existing occupiers of flats in the appeal building. Whilst I appreciate that noise may travel further at an elevated position. I have no reason to consider that the terraces would be used for any purpose other than as a residential outdoor amenity area and in any event, the level of use would be restricted given their limited size. Furthermore, an assessment of the anticipated noise from the balconies has been carried out by KP Acoustics which demonstrates that the likely levels of noise from activity on the balconies, even taking a worst-case scenario would not be problematic.
15. I also accept that some occupiers of the existing upper floor of the wing would have flats above them as a result of the proposal. I have no substantive evidence before me which would suggest that the introduction of flats in this location would cause undue noise and disturbance to the existing occupiers of flats beneath which could not be mitigated by the imposition of a planning condition to control the level of sound insulation between the flats.
16. Consequently, there would be no undue noise or disturbance arising from the proposed development that would lead me to conclude that it would be unacceptable in this respect. Accordingly, I find no conflict with DMPD Policy DMS1 which seeks to ensure that new development does not harm the living conditions of the occupiers of nearby properties.

Other Matters

17. I have taken into account that policies in the Wandsworth Local Plan, the London Plan and the National Planning Policy Framework (the Framework) provide support for upwards extensions to buildings for additional residential accommodation. However, this should not be at the expense of development which relates well to its surroundings and reflects the character of the general area.

Conclusion

18. I acknowledge that the proposal would provide additional housing. Given the scale of the scheme any contribution towards housing supply or mix, however, would be limited and the weight this carries in support of the proposal is reduced as a consequence. No benefits have been suggested to me which would be sufficient to outweigh harm that I have identified above.
19. I have found that there would be no harm to the living conditions of the occupants of properties on Rusholme Road. However, this does not overcome the harm that I have identified in terms of the character and appearance of the site and surroundings and the living conditions of existing occupiers of flats in the appeal building.
20. For the reasons given above, having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

KL Robbie

INSPECTOR