



Appeal Decision

Site visit made on 1 November 2022

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st December 2022

Appeal Ref: APP/H5960/W/22/3302560

20 and 18 Netherfield Road, London, SW17 8AZ

- 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 Ricardo Trombetta of Curzon Assets Ltd c/o Penhurst Properties against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2022/0045, dated 4 January 2022, was refused by notice dated 25 May 2022.
 - The development proposed is described as erection of external access stair and associated first floor external door (retrospective) to first floor flat 20 Netherfield Road and addition of 1.8m high privacy screen. Alterations to ground floor flat 18 Netherfield Road to maintain privacy (alterations to windows and garden door and internal alterations).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. From my site visit I saw that an external stair has already been constructed at the appeal site. The overall proportions appear to accord with those shown on the plans. However, amendments are also proposed to the detailed design, so I have determined the appeal on the basis of the submitted plans.
3. The Council refer to the emerging Publication Version Local Plan which I understand was submitted for examination on 29 April 2022. Having regard to Paragraph 48 of the National Planning Policy Framework (2021), given that it has not yet been subject to an examination process to determine its soundness, and I have no clear information in relation to any unresolved objections to the relevant policies, the emerging policies have only limited weight in my decision.
4. The appellant has presented an image of a spiral staircase as an alternative design, however this has not formed part of a revised proposal or been shown on an amended plan. In this respect, it is not part of the plans that were determined by the Council or upon which the views of interested parties were sought. I cannot therefore be certain that if I was to accept it, no party would be prejudiced. Any revised proposal would need to be the subject of an application to be considered by the Council in the first instance, and as such, it would not be appropriate for me to comment.

Main Issues

5. The main issues are the effect on:

- the character and appearance of the area; and
- the living conditions of neighbouring occupiers, with regard to noise and privacy.

Reasons

Character and Appearance

6. The appeal site is a two-storey end of terrace property. It is adjacent to terraced properties along Stapleton Road and opposite are the terraced properties of Wheatlands Road. To the rear of the terraces of all three streets there are a number of outriggers and extensions of varying design and storeys which creates an unbalanced and irregular appearance. Nevertheless, there remains small gardens and yards to the rear. This element of open character provides relief from the otherwise dense built form of the locality. While there is an absence of external stairs to the rear of Netherfield Road and Stapleton Road, there are some examples of external stairs opposite the appeal site, on the rear elevation of Wheatlands Road.
7. The appeal development has been constructed of black metal and is a substantial structure. The depth and height of the development creates a bulky addition that is dominant within the garden space, which is one of the few undeveloped areas in the locality. It draws the eye and is uncharacteristic of the immediate area which has an absence of external stairs along the rear elevations of Netherfield Road and Stapleton Road. The proposed privacy screening, comprising opaque glass, would make the external stairs bulkier still, enclosing the stairs, and would result in an incongruous addition to the open character of the gardens and yard.
8. I have considered the examples of other external stairs before me on the rear elevation of Wheatlands Road. However, these are not directly comparable to the depth and height of the development, or the appearance of the proposal with the addition of glazed screening. These other examples do not, therefore, lead me away from the above findings.
9. Consequently, the proposal as a whole would be harmful to the character and appearance of the area, in conflict with policies DMS1 and DMH5 of the Wandsworth Local Plan Development Management Policies Document (2016). These policies seek development that ensures a high level of physical integration with its surroundings, that is well designed, contributing positively to the local spatial character, being subservient to the original house and its setting and is not over-dominant.
10. I note that the appellant does not consider Policy DMH5 to be applicable to the appeal proposal. However, it is clear that the policy relates to proposals for extensions and alterations to existing residential properties. Even if the appeal scheme was not considered to be an extension, the proposal represents alterations to an existing residential property. As such, the policy is relevant to my decision.

Living Conditions

11. The stairs are of considerable height, projecting above boundary treatments in the area. Moreover, the top of the stairs, owing to its size, could encourage occupiers to linger there, using it as a small additional and elevated outdoor amenity space.
12. Given the dense built form of the area, with properties in close proximity to one another, noise and disturbance from occupants of the first floor flat on the stairs would readily spread to neighbouring occupiers, including those in the ground floor flat at 18 Netherfield Road. While the appellant has indicated that high performance acoustic windows could be fitted to the rear openings of No 18 to mitigate any noise and disturbance, this would not be effective were the windows to be open and this has not, therefore, altered my findings on this issue.
13. Noise and disturbance from those using the stairs would also be experienced by the occupiers of properties on Stapleton Road, particularly by the occupiers of Nos 41 and 41A closest to the stairs. Moreover, from my site visit I saw that the stairs afford elevated views at close range into the property and garden of No 41A, and views into No 41, to the detriment of the privacy of these occupiers. I note there are a number of objections from neighbours relating to noise and privacy, and a number of photographs submitted to demonstrate the proximity of the stairs and privacy concerns. Third party comments and photographs also make reference to the top of the stairs being used as an outdoor amenity space, as an area to hold telephone conversations for example.
14. The proposed glazed screening would do little to mitigate noise and disturbance, and would in any event, encourage the stairs to be used as an additional outdoor amenity space by the occupiers of the first floor flat as a result of the extra privacy afforded to them by the screening. This would exacerbate the harm already identified. As such, the screening would not, as suggested by the appellant, mitigate issues of privacy for neighbouring occupiers. Moreover, there is no mechanism before me to prevent the stairs being used as outdoor amenity space and not just simply as a means of access to the garden. As such, I am not persuaded that the living conditions of neighbouring occupiers would be protected.
15. Accordingly, for the reasons given, the proposal as a whole would be harmful to the living conditions of neighbouring occupiers, with regard to noise and privacy, in conflict with Policy DMS1. This requires development to minimise impact on neighbouring properties and in doing so not harm the amenity of occupiers through unacceptable noise or loss of privacy.

Other Matters

16. I have considered that the Coronavirus Pandemic is said to have highlighted the importance of external spaces for health and wellbeing, and that the scheme will provide access for the occupiers of 20 Netherfield Road to private outdoor space, which is a clear benefit. However, it has not been shown the appeal scheme is the only way of achieving this.
17. I note that the proposal would not result in any loss of private open space to the occupiers of 18 Netherfield Road, and that matters of outlook, privacy and

daylight/sunlight for the occupiers of No 18, and 13 and 15 Wheatlands Road are not in dispute. However, the lack of harm on these matters would only be a neutral factor.

Conclusion

18. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

F Harrison

INSPECTOR