
Appeal Decision

Site visit made on 19 October 2022

by D Barlow BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2022

Appeal Ref: APP/H5960/W/22/3299084
336 Upper Richmond Road, London, SW15 6TL

- 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 Goodwood Properties Ltd against the decision of the Council of the London Borough of Wandsworth.
- The application Ref 2021/5058 dated 3 November 2021, was refused by notice dated 14 January 2022.
- The development proposed is for the installation of two balconies to the rear of the property serving as private amenity for flats 6 and 7.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to privacy.

Reasons

3. The host property is situated in a predominantly residential area within Parkfields Conservation Area. The property is also locally listed. The area is characterised by a wide variety of architectural styles and materials with properties largely set back from the road.
4. Flats 6 and 7 are located on the first floor of the building and have living rooms overlooking the rear garden.
5. When I observed the current proposals from the mock up balcony for Flat 6 which is accessed directly off the living room, it would lead to the users having direct views of the neighbouring garden at No 334 Upper Richmond Road. The balcony would be closer to the rear garden than the existing French Doors and the current rear elevation is set back from the neighbouring property, such that there is no direct overlooking at present. The introduction of the balcony would extend the first floor and allow the use of it for longer periods of time than somebody standing at the windows within the rear of the properties, particularly in the summer months, when the garden would most likely to be used. Although the patio area would not be directly overlooked, the larger part of the rear garden would be. There would be no loss of privacy to No 338 Upper Richmond Road however, due to the rear projection of Flat 7.

6. The garden and patio of No 338 is largely private even taking into account of the side window to Flat 7. The mock up balcony for Flat 7, which would also be accessed off the living room, but to the side, would be smaller than that proposed to Flat 6. It would however be of a size that could accommodate a table and chairs and users. It would introduce activity in an area where there presently is none and would allow users of the balcony to have direct views into the garden and patio of No 338. There would be no impact on No 334's garden however, because of the relationship of the rear gable to the property.
7. As a consequence of the use of the new balconies the privacy of neighbouring occupiers when using their rear gardens would be significantly reduced; they would be less pleasant places within which to spend time.
8. The appellant makes reference to the benefits that the two private balconies would provide, which would give some welcome outside amenity space to both occupiers. I acknowledge that this would be of benefit to the occupiers' living conditions but this does not outweigh the harm identified, particularly as the size of the balconies does not meet the minimum required by Policy D6 of the London Plan (March 2021).
9. I have considered the use of conditions to make the balconies acceptable, and mitigate the harmful effects, however in the absence of details, and because the screens to the rear would need to be high, I cannot be satisfied they would be acceptable in design terms.
10. Given the above, I therefore conclude that the proposal would be harmful to the living conditions of the neighbouring occupiers which would be contrary to Policy DMS 1 of the Wandsworth Local Plan Development Management Policies Document (Adopted March 2016), which states, amongst other matters, that development should not harm the amenity of nearby occupiers through loss of privacy. The Draft Local Plan (January 2022) also states in Policy LP2 that development should avoid unacceptable levels of overlooking and supplements the policy by specifically stating that balconies should not intrude into the privacy and quiet enjoyment of neighbours.

Other Matters

11. The host property has already been extended extensively and both the Appellant and the Local Planning Authority are in agreement that the current proposal would preserve the character and appearance of the area and the significance of the locally listed building. I have no reason to reach a contrary view in this regard.

Conclusion

12. For the reasons outlined above and taking into account all other relevant considerations, the proposal would be contrary to the Development Plan as a whole. There are no other considerations that indicate a decision other than in accordance with the development plan. The appeal is dismissed.

D Barlow

INSPECTOR