



Appeal Decision

Site visit made on 30 November 2022

by D Barlow BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/H5960/W/21/3285508

Dryad Street, London, SW15 1BF

- 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 Ashley Greenslade against the decision of Council of the London Borough of Wandsworth.
 - The application Ref 2020/3579 dated 12 October 2020, was refused by notice dated 4 October 2021.
 - The development proposed is construction of two bedroomed townhouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A number of third parties have queried some aspects of the ownership of the land which is the subject of the appeal. As this is an appeal to determine the planning merits of the case only, I have not commented on this dispute in my decision.

Main Issues

3. The main issues are the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to daylight and sunlight, outlook and the living conditions of the intended future occupiers with regard to privacy.

Reasons

Neighbouring Occupiers/Light and Outlook

4. The new dwelling would be sited between Cobb Court, a three storey flatted development and a two storey flatted property known as Dryad House. Dryad House has a blank elevation facing towards the appeal site. Cobb Court has a first and second floor window, each serving a bedroom, in its side elevation which face toward the appeal site. Each of these rooms have no other source of natural light. Also facing towards the appeal site is the rear elevation of No. 93 Feltham Road which has a number of windows.
5. The new dwelling would be a similar height to Cobb Court on its Dryad Street elevation and would reduce in height to the rear of the site. Although the building would not be sited across the bedroom windows at Cobb Court, its rear building line of the three storey element would appear to abut the window

reveals of these rooms. The rear elevation of 93 Feltham Road is set back from the party boundary with the appeal site and separated by a wall and a fence.

6. The appellant's revised Daylight Sunlight & Overshadowing (DSO) report (August 2020), identified that the bedroom windows in Cobb Court would see levels of daylight fall as a result of the proposal, with the first floor window having a notable loss of daylight which would likely result in this room being gloomy and not a pleasant place within which to spend time.
7. The outlook from the bedroom windows of Cobb Court is currently largely open to either side and across the roof scape of Dryad Street. The proposal would, as a result of its proximity to these windows have a significant enclosing, overbearing effect and would erode the outlook from these windows to a harmful degree.
8. The appellant contends that the intended primary light source to the bedrooms was to the West, when the room was not sub-divided, but there is no suggestion that the current configuration requires planning consent in its current layout.
9. The outside amenity areas to Cobb Court and No 93 are unlikely to receive high levels of sunlight given their orientation and relationship to existing buildings. Notwithstanding this, the DSO report indicated that these light levels would be further reduced by the appeal proposal. The loss of light to the rear of No 93 would be particularly noticeable to the property's occupiers, because of the light that would be lost in the garden closest to its rear elevation. As a consequence, the garden area would be likely to be a less pleasant place within which to spend time in.
10. The siting of the new dwelling would therefore have a harmful closing effect upon the outdoor space to the rear of No 93 with the current largely open outlook replaced by the tall built form of it. Whilst not impacting on any windows or living accommodation directly, the proposed dwelling would lead to a reduction in light in what is a small rear garden area and the mass of the building design together with the proposed new wall, would lead to an unacceptable reduction in light and outlook from the rear garden for the occupiers of this property.
11. Given the above, I conclude that the proposed development would cause harm to the existing living conditions of neighbouring residents, contrary to Policy DMS1 of the Local Plan (Development Management Policies Document (adopted March 2016))(Local Plan) which seeks amongst other things to ensure development does not harm the amenity of occupiers/users and nearby properties through unacceptable overbearing, outlook, privacy or sunlight/daylight.

Intended Future Occupiers

12. As the original proposed passage way to access the existing bin store for the occupiers of Cobb Court would lead to an unsatisfactory situation with regards to the meter cupboards and manoeuvring generally, the position for the relocated store at least deals with safer access and egress. It does however leave the future occupiers of the proposed house with noise, disturbance and potential environmental health problems, together with an oppressive outlook

from the French doors which have been designed to be the main outlook from the living accommodation of the house.

13. I therefore conclude that the proposed development would lead to unacceptable living conditions of the future occupiers. This is contrary to Policy DMS1 of the Local Plan which requires development to ensure it does not harm the amenity of occupiers through unsatisfactory outlook.

Other Matters

14. The appellant draws my attention to a similar development in Boundaries Road, however I was not able to view the side and rear of that development and am not aware the relationship between neighbouring properties is comparable. I therefore do not have enough information to make a direct comparison. The appellant accepts it is a tight site and that there will be some impact on windows and amenity areas. I do not consider the loss of outlook and daylight to fall within acceptable parameters in this case.
15. I acknowledge that the proposal would make a contribution to housing on a site in a sustainable location. It would support the Government's objective to significantly boost the supply of homes utilising previously developed land. These benefits do not however outweigh the identified harm which would be substantial in this case.

Conclusion

16. Thus, for the reasons given above and having considered all matters raised, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations which indicate a decision other than in accordance with the development plan. The appeal is dismissed.

D Barlow

INSPECTOR