



Appeal Decision

Site visit made on 18 April 2023

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2023

Appeal Ref: APP/H5960/W/22/3308261

17 Coliston Passage, London SW18 4PW

- 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 Abdul Hafeez against the decision of London Borough of Wandsworth.
 - The application Ref 2022/0390, dated 6 February 2022, was refused by notice dated 5 April 2022.
 - The development proposed is a first and second floor extension to existing rear out-rigger to form a self-contained 1 person residential unit.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. Notwithstanding the description of development in the banner above the proposals include a rear extension and a rear dormer window. The reasons for refusal on the Council's decision notice indicate that the rear extension and resultant residential accommodation is the matter in dispute. I have no reason to disagree with the Council's conclusion that the rest of the proposed development is acceptable in planning terms. My reasoning below therefore relates to the rear extension and residential accommodation.

Main Issues

4. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area;
 - The effect of the proposed development upon the living conditions of existing occupiers with regard to daylight and outlook; and
 - Whether the proposed development would provide satisfactory living conditions for future occupiers.

Reasons

Character and appearance

5. The appeal site comprises a three-storey mid terrace property located along one side of Merton Road with a one and half storey residential outbuilding at the rear fronting Coliston Passage. The terrace is characterised by retail and commercial uses at ground floor with flats above. Most of the properties have been altered and extended including in the form of rear extensions and roof alterations resulting in a degree of variety and irregularity.
6. I acknowledge that the proposed rear extension would be set down from the roof slope. However, in terms of its height and projection it would be disproportionately and uncharacteristically large unduly dominating the host property.
7. This sense of obtrusion would be compounded by the form and design of the proposed development. Its height, flat roof design and window proportions would render it an incongruous and uninspiring presence in the area, notwithstanding the varying form and appearance of properties locally. Taking into consideration its position close to Brathway Road it would appear as an unduly prominent feature within the street scene.
8. I note the presence of other extended properties in the surrounding area including at 195 Merton Road. However, I have not been made aware of the individual circumstances that led to them being considered acceptable by the Council. In any case, every appeal must be considered on its own merits, as I have done. The presence of other rear extensions in the area does not justify the harm that I have identified.
9. I conclude that the proposed development would unacceptably harm the character and appearance of the host property and the area contrary to Policies DMS1 and DMH5 of the Wandsworth Local Plan Development Management Policies Document (2016) (DMPD) which, amongst other things, seeks to ensure that the scale, massing and appearance of the development provides a high quality, sustainable design and layout, that contributes positively to local spatial character and extensions to be well designed, uses appropriate materials and is not so large that it dominates and competes with the original building.

Living conditions of existing occupiers

10. The form of the proposed rear projection, together with its length and position very close to the boundary with 197 Merton Road would result in a sense of enclosure for the occupants of the neighbouring property. It would result in a form of development which would appear oppressive and overbearing severely diminishing their living conditions.
11. The presence of the proposed development projecting alongside the boundary, would not only have a significant enclosing effect on the outlook from the rear of this property, but would also overshadow it resulting in an unacceptable loss of daylight for the occupiers.
12. The appellant contends that the windows in the rear elevation of No 197 serve non habitable rooms, however, this is not supported by any substantive

evidence. I, therefore, give this aspect of the appellant's argument limited weight in coming to my decision.

13. As such, I conclude that the proposed development would adversely affect the living conditions of the occupiers of No 197 by reason of loss of daylight and outlook. It would be contrary to DMPD Policy DMS1 which, amongst other things, seeks to ensure that developments do not harm the amenity of occupiers/users and nearby properties through unsatisfactory outlook or sunlight/daylight.

Living conditions for future occupiers

14. The Technical housing standards – nationally described space standard sets out the minimum gross internal floor areas for new dwellings. The size of the proposed bedroom and the overall floor area would accord with guidance for a single person dwelling and as such would provide a satisfactory standard of accommodation.
15. Despite the Council's contention there is no substantive evidence before me to indicate that the proposed flat would be occupied by more than one person. Moreover, the proposed flat would achieve adequate ceiling heights and each habitable room would be served by windows providing outlook, daylight and sunlight.
16. Even if the development were to be occupied by 2 persons, I am not persuaded that a shortfall of 8sq.m would not provide adequate living conditions for future occupiers.
17. I conclude that the proposed development would provide future occupiers with acceptable living conditions with regard to internal space. It would accord with DMPD Policy DMH6 which, amongst other things, requires residential developments to meet the space standards set out in the national technical housing standards.

Other Matters

18. I acknowledge that the proposed development lies within an accessible location and no objections were received to the application in terms of highway safety, its green credentials, waste and fire safety. However, these factors either individually or cumulatively do not outweigh the harm that I have identified.

Conclusion

19. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR