



Appeal Decision

Site visit made on 22 May 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2023

Appeal Ref: APP/H5960/W/22/3306427

4 Dymes Path, Wandsworth, London SW19 5PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Nada Duricic against the Council of the London Borough of Wandsworth.
 - The application Ref 2022/2239, is dated 26 May 2022.
 - The development proposed is alterations including erection of dormer roof extension to main rear roof.
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Decision

1. The appeal is dismissed and planning permission for alterations including erection of dormer roof extension to main rear roof is refused.

Preliminary Matters

2. The appeal is made against the Council's failure to give notice of its decision within the prescribed period. The Council has set out its case and putative reason for refusal in its officer report. I have considered the appeal on this basis.
3. The appellant has indicated a willingness to amend the scheme such as compromising on the Juliette balcony and building over party walls. However, the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially the same scheme that was considered by the Council and interested parties at the application stage. I have therefore based my decision on the plans as submitted.

Main Issues

4. The main issues are the effects of the proposed development on:
 - the character and appearance of the area and host dwelling; and
 - the living conditions of neighbouring residents with regard to privacy.

Reasons

Character and Appearance

5. The appeal property is a mid-terrace two storey dwelling that fronts onto Dymes Path which provides pedestrian access to the properties within the terrace and those to the north on Blincoe Close. The rear of the property faces Queensmere Road and is separated from the highway by its garden. The area

is residential in character, with a variety of building types, styles and materials, including a number of contemporary dwellings in the immediate vicinity. The proposed development comprises a rear dormer roof extension including a Juliette balcony.

6. Amongst other matters, Policy DMS1 of the 2016 adopted Wandsworth Local Plan Development Management Policies Document (the DMP) and Policy IS3 of the 2016 adopted Wandsworth Local Plan Core Strategy (the CS) require development to contribute to and protect and reinforce local character. Policy DMH5 of the DMP allows for an extension of residential properties where it is not so large that it dominates and competes with the original building and in the case of dormers that are visible, these should be sympathetic to the style of the building, not be visually intrusive and not harm the street scene or the building's appearance. The 2016 Housing Supplementary Planning Document (the SPD) sets out a number of principles for dormers to ensure that they avoid the house looking top heavy.
7. As with all the dwellings on the terrace, the property has an asymmetrical pitched roof, with the pitch to the front facing Dymes Path sitting higher than the rear facing one. Because of this, the proposed dormer would not project above the front facing roof slope. However, the proposed dormer would take up the full width of the rear roof plane and would extend up to the ridge point of the front facing roof slope. It would therefore occupy almost the entirety of the rear roof plane and would appear as an additional storey on the property. As a result, the proposed development, rather than being subordinate to the host dwelling, would be of a disproportionate size and scale, representing an overly dominant feature. The large glazed doors would further emphasise this. Although there would be no change to the eaves line of the property, the asymmetrical roof of the terrace would be significantly disrupted.
8. The use of brick would match the vertical component of the rear roof elevation along the terrace, which much of the proposed dormer would be seen against. Nevertheless, this would not adequately mitigate the harm that would be caused.
9. The proposed dormer would not be visible when viewed from the front of the property along Dymes Path. However, it would be clearly visible from several public vantage points including along Queensmere Road and Thursley Gardens, as well as from nearby properties. The height, size and scale of the proposed dormer would unbalance the cohesive appearance of the terrace and would represent an incongruous addition that would be harmful to the character and appearance of the area.
10. Consequently, I conclude that the proposed development would significantly harm the character and appearance of the area and the host dwelling. It would therefore be contrary to Policies DMS1, DMH5 of the DMP, Policy IS3 of the CS and the guidance in the SPD, as summarised above.

Living Conditions

11. The properties in the terrace have windows at first floor level in the rear elevation and so there is currently a degree of mutual overlooking of the rear gardens. The Juliette balcony and associated large glazed doors would have the same orientation and would project a similar distance as the existing first floor windows.

12. The oblique angle of view that would be afforded of the gardens of 1 and 2 Dymes Path would not result in an unacceptable degree of overlooking for residents of those properties. The height of the proposed dormer and Juliette balcony would give views over the boundary vegetation to a greater extent than that afforded to the first floor windows of the property. However, the separation distance between the property and those across Queensmere Road is such that there would not be a significant loss of privacy for those residents.
13. The Juliette balcony and associated large glazed doors would provide views across the gardens of the adjoining properties at nos. 3 and 5 in close proximity. Although there is some existing overlooking, the perception of being overlooked would greatly increase for residents of these dwellings when in their garden due to the combination of the height of the Juliette balcony and the large amount of glazing proposed.
14. Accordingly, I conclude that the proposed development would harm the living conditions of nearby residents, specifically at 3 and 5 Dymes Path, with regard to privacy. It would therefore conflict with the residential amenity requirements of Policy DMS1 of the DMP and the guidance in the SPD.

Conclusion

15. The proposed development would conflict with the development plan taken as a whole. There are no material considerations worthy of sufficient weight that would indicate a decision otherwise than in accordance with the development plan. The appeal should therefore be dismissed.

F Wilkinson

INSPECTOR