



Appeal Decision

Site visit made on 10 May 2023

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2023

Appeal Ref: APP/H5960/W/22/3310251

65 Garratt Terrace, Wandsworth, London SW17 0QE

- 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 H Hassanali, EFG Estates Ltd, against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2022/2596, dated 22 June 2022, was refused by notice dated 17 August 2022.
 - The development proposed is formation of new enclosed terrace on roof at rear of first floor flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the determination of the planning application subject of this appeal, the Wandsworth Local Plan 2023-2038 (LP) was adopted in July 2023. Policies from this plan were referred to in the reason for refusal when they were emerging. The adopted versions of these policies have since been submitted and the appellant has had the opportunity to comment on them. Therefore, I am satisfied that neither party will be prejudiced by my taking these policies into account.
3. The statement of the appellant refers to there being one reason for refusal and only addresses this. However, this appears to be in error as the decision notice submitted by the appellant contains two reasons for refusal the second being on page 2 of the document. I am satisfied that the decision notice is correct as this reflects the Council's report and appeal statement and that there were indeed two reasons for refusal and so I have proceeded on this basis.

Main Issues

4. The main issues of the appeal are:
 - the effect of the proposed development on the character and appearance of the area.
 - the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to noise and disturbance.

Reasons

Character and appearance

5. The appeal site is a first floor flat within a mid-terrace property off Garratt Terrace. Development in the area is mixed and a number of properties have been altered at the rear including the host building. The gardens of the properties along Garratt Terrace are short and back on to dwellings behind. Most of the properties along Garratt Terrace and the street that backs onto it, have single storey outriggers and a number have roof alterations.
6. The property has been extended to the rear in the past. The proposed roof terrace would be above the ground floor extension providing a balcony area for the first floor flat. There is currently a set of Juliet balcony doors serving the rear of the first floor flat which would serve the proposed terrace.
7. The proposed roof terrace is relatively modest and would have a privacy screen constructed in appropriate materials. However, due to its position on the first floor it would be visually very prominent, especially when viewed from surrounding properties behind and to the side of the appeal site which are in close proximity. Due to the height of the terrace and the distance it would protrude from the rear of the building, boundary treatments at ground floor level would not provide adequate screening and therefore the addition would erode the dominant pattern of development along the rear of the properties at first floor level. It would therefore appear incongruous in its setting. This would have an unacceptably detrimental impact on the character and appearance of the area.
8. Planning permission for a roof terrace serving the second floor flat above the appeal site has been granted, which the appellant states is comparable. I have limited details of the planning permission¹ before me, however an outline of its position is shown on the plans. Due to its height, the existing parapet on top of the first floor extension and the arrangement of the flats with the second floor flat being set much further back, that terrace would be partially hidden behind the first floor extension parapet and would not be as visually prominent as the scheme before me. Therefore, this would not have the same detrimental effect on the character and appearance of the area as would the proposed development.
9. The appellant has stated that there is ample precedent for proposals such as this elsewhere in the borough and close by, however I have not been provided with the details of such, therefore cannot make a meaningful comparison with other cases. This case has been assessed on its individual merits.
10. For the reasons mentioned the development would result in unacceptable harm to the character and appearance of the area. It would therefore conflict with Policies DMS1 and DMH5 of the Wandsworth Local Plan – Development Management Policies Document (2016) (DMPD) which seek to ensure that developments provide a high quality design that contribute positively to local spatial character and that alterations to a roof are not visually intrusive and do not harm either the street scene or the building's appearance. The proposal would also be contrary to policies LP1 and LP5 of the LP which seek to ensure that developments provide a high-quality design that contributes positively to

¹ Planning application number 2021/5357 Formation of new enclosed terrace on roof at rear of second floor flat.

local character and that the proposals respect and complement the form and setting of the host building.

11. The Wandsworth Local Plan Housing Supplementary Planning Document Housing (2016) (SPD) requires roof terraces to be sensitively designed and should not look like an incongruous add-on. For the reasons mentioned, this proposal is contrary to the guidance contained within the SPD.

Living Conditions

12. The appeal site has a flat below and flats above it, and due to the nature of the surrounding development is in very close proximity to neighbours either side of the site and to the rear. Whilst the size of the proposed roof terrace would be fairly modest and screened, it could accommodate several people and would be the main outdoor space for the occupiers of the flat and would be likely to see frequent use.
13. Due to the proposed elevated position and size of the terrace at first floor level, it would be within very close proximity to neighbouring properties including surrounding gardens and the garden of the flat below. The potential for noise and disturbance from those using the terrace could have an unacceptably detrimental effect on the living conditions of neighbouring occupiers. This would affect the enjoyment of surrounding gardens and outdoor spaces and would be particularly harmful by way of noise and disturbance for neighbouring occupiers in the flats above and directly below the development.
14. The Council have stated in their report that the proposal would not result in a significant loss of privacy, outlook or daylight to neighbouring occupiers. Based on the information provided and my observations I have no reason to disagree with this.
15. Nevertheless, the proposed roof terrace would be contrary to policy DMS1 of the DMPD which states that development will only be acceptable where it does not harm the amenity of nearby properties through unacceptable noise. The proposal would also be contrary to policy LP2 of the LP which states that developments must not adversely impact the amenity of neighbouring properties.

Conclusion

16. The appeal scheme would conflict with the development plan as a whole and there are no material considerations of sufficient weight that would indicate a decision otherwise. The appeal should therefore be dismissed.

N Duff

INSPECTOR