



Appeal Decision

Site visit made on 12 September 2023

by S Edwards MA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2023

Appeal Ref: APP/H5960/W/23/3317285

44 Tonsley Hill, Wandsworth, London SW18 1BB

- 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 and Mrs M Perchtold against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2022/4109, dated 5 October 2022, was refused by notice dated 2 December 2022.
 - The development proposed is described as 'alterations including erection of replacement front and rear mansard roof extension to main roof (with French doors and safety railings); and two-storey extension above part of single-storey back addition'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development as detailed in the application form has been amended in subsequent documents. I have adopted the description included in the appeal form, which provides a detailed description of the proposed development.
3. A revised National Planning Policy Framework (the Framework) was published on 5 September 2023. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. Notwithstanding this, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
4. In July 2023, the Wandsworth Local Plan 2023-2038 (LP) was adopted by the council. I shall determine the appeal in accordance with the most up-to-date policies, on which the parties have had the opportunity to comment during the course of the appeal.
5. I have had particular regard to the comments made by the parties regarding the wording of LP Policy LP1. However, it is clear that the concerns raised by the council regarding the scale, bulk and massing of the development relate to the resulting impact on the living conditions of neighbouring residents rather than the effect on the character and appearance on the host property and surrounding area. I have considered the appeal on this basis.

Main Issue

6. Given the above, the main issue is the effect of the proposal on the living conditions of neighbouring residents, with regard to outlook, light and privacy.

Reasons

Living conditions – Outlook and light

7. The proposed extension would be built above part of an existing rear addition, immediately adjacent to the boundary shared with no 46 Tonsley Hill (no 46), which lies to the north-west of the appeal property. A single storey raised ground floor extension has been previously constructed to the rear of no 46, along the boundary shared with the appeal site.
8. By virtue of its overall height and length, the flank wall of the new extension would extend significantly beyond the main rear wall of no 46, and dominate the outlook from this neighbouring property. Whilst the nearest affected windows may not serve habitable rooms, the proposed extension would appear as an overbearing and oppressive form of development, which would be exacerbated by its proximity to no 46. This would create an unpleasant sense of enclosure, which would have a detrimental effect on the living conditions of these neighbouring residents, and their enjoyment of their outdoor amenity space.
9. By reason of its scale, proximity and siting to the south-east of no 46, and in the absence of substantive evidence to the contrary, I find that the extension would also unacceptably reduce the amount of daylight and sunlight which the occupiers of this neighbouring property currently benefit from. This would exacerbate the harm which the proposal would cause to the living conditions of these residents.
10. Given the above, the proposed development would adversely affect the living conditions of the occupiers of no 46, with particular regard to outlook and light. The appeal scheme would consequently fail to accord with LP Policies LP1, LP2 and LP5, as well as the Housing Supplementary Planning Document (SPD) - adopted 2016. These notably seek to ensure that new development does not adversely impact the amenity of existing and future occupiers of neighbouring properties, and does not appear overly dominant.

Living conditions – Privacy

11. The rear elevation of the appellant's property includes a number of first and second floor windows which serve a bathroom, a staircase and a bedroom. The appeal scheme would bring the proposed built form significantly closer to the rear boundaries shared with nos 12 and 14 Fullerton Road (nos 12 and 14). The rear elevation of the new addition would include windows serving habitable rooms both at first and second floor levels.
12. The proposed windows would enable the occupiers of the appeal property to overlook, from a modest distance, these neighbouring properties and a large part of their garden areas. Whilst I appreciate that the appeal property lies within a dense urban context, the effect of the development would, by virtue of the resulting separation distance, lead to a harmful loss of privacy. This would have a detrimental effect on the living conditions of these neighbouring residents and their enjoyment of their private outdoor space.

13. Whilst the council is also concerned that the proposal would also overlook the occupiers of no 6 Tonsley Place (no 6), any views towards this property would remain at an oblique angle. Therefore, the proposed development would not cause a significant loss of privacy for the neighbouring occupiers of no 6, and their living conditions would be safeguarded.
14. However, the appeal scheme would cause unacceptable harm to the living conditions of the occupiers of nos 12 and 14, having particular regard to privacy. Accordingly, it would conflict with the design aims of LP Policies LP1 and LP2, as well as the Housing SPD. Amongst other things, these seek to avoid unacceptable levels of overlooking.

Other considerations

15. In reaching these conclusions, I have had regard to the development which was recently allowed on appeal (APP/H5960/D/20/3256533) at no 40 Tonsley Hill. However, the relationship between this property and the neighbouring buildings is different to the appeal scheme. Despite the proximity to the appeal site, the circumstances of this particular scheme do not therefore represent a direct parallel to the proposal before me, and I have therefore ascribed it very limited weight.

Conclusion

16. Whilst the privacy of the occupiers of no 6 would be preserved, the appeal scheme would cause unacceptable harm to the living conditions of nos 12, 14 and 46. There are no material considerations, which indicate that the appeal should be determined, other than in accordance with the development plan. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR