



Appeal Decision

Site visit made on 9 April 2024

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd April 2024

Appeal Ref: APP/H5960/W/23/3331933

29A Barnard Road, Wandsworth, London SW11 1QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Janet Comyn against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref is 2023/3060.
 - The development proposed is described as "flat conversion of existing 3 bedroom flat into 2 self contained flats, incorporating a 'L' shaped mansard roof extension with 3 roof light to the front roof slope".
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Decision

1. The appeal is allowed and planning permission is granted for flat conversion of existing 3 bedroom flat into 2 self contained flats, incorporating a 'L' shaped mansard roof extension with 3 roof light to the front roof slope at 29A Barnard Road, Wandsworth, London SW11 1QT in accordance with the terms of the application, Ref 2023/3060, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made against the Council of the London Borough of Wandsworth by the appellant. This application is the subject of a separate Decision.

Preliminary Matters

3. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issue

4. The main issue is the effect of the proposal on the choice of housing stock within the borough.

Reasons

5. Policy LP26 of the Wandsworth Local Plan 2023-2038 (2023) (LP) precludes the conversion of any existing dwelling with 130m² or less of floorspace into flats unless it can be demonstrated that the dwelling is unsuitable for families. The supporting text to this policy recognises the importance of retaining family-sized accommodation in order to meet future housing need. The definition of

'dwellings suitable for family use' in the Wandsworth Local Housing Needs Assessment (2020) (WLHNA) refers to dwellings of at least 4 habitable rooms comprising at least 2 bedrooms. LP Appendix 5 defines a 'family-sized dwelling' as a housing unit with 3 or more bedrooms.

6. The appeal site is described on the application forms and design and access statement as a '3 bedroom flat' of approximately 130m². The proposal would result in the conversion of the property to a 3-bedroom and a 1-bedroom flat. There is no particular evidence that the existing building layout and location is unsuitable for families. Nonetheless, the property would be replaced with a 3-bedroom dwelling and a 1-bedroom dwelling. Whilst the 3-bedroom unit would have a smaller footprint than the existing unit with limited opportunities for further expansion, it would nonetheless comprise a family-sized dwelling which would be suitable for family use as defined in the WLHNA and LP Appendix 5. Given this, the proposal would not result in the net loss of accommodation which is suitable for families.
7. Drawing together the above, I conclude that the proposal would not be harmful to the choice of housing stock within the borough. Therefore, the proposal accords with those aims of LP Policy LP26 as set out above.

Other Matters

8. The proposal would result in overlooking of the neighbouring property from a kitchen/ living room and a bedroom. However, given the existing overlooking from these existing windows, no further harm would arise. Taking into account the modest size of the extension, and the inclusion of a planning condition relating to obscure glazing to new windows in the west side elevation, the proposed development would not be unacceptable in terms of light, outlook, privacy or overlooking. The development would be subservient to the original host dwelling and would not be conspicuous from public vantage points.
9. There is no particular evidence that any increase in footfall arising from the intensification of the use of the property would be harmful to the living conditions of the occupiers of the ground floor unit given the modest increase in occupation of the property.
10. Taking into account the inclusion of a planning condition relating to the approval of details of refuse storage and the provision and retention of this facility, there is no particular evidence that the proposal would result in an increase in littering, rodents or foxes.
11. Concerns regarding overcrowding are acknowledged. The proposed units would each meet the Government's nationally described space standard and the site is considered to have the capacity to accommodate the quantum of development proposed.
12. The site is located within a controlled parking zone. The proposed development would be car-free. At my weekday early afternoon site visit I observed that there were limited opportunities for on-street parking in the surrounding area. Nonetheless, the appeal site is located in an area with an excellent public transport accessibility level in close proximity to facilities and services which could reduce the reliance on private car use. Parking and access have not been argued as a concern by the Council, and I have no compelling evidence to

indicate that the proposed modest increase in occupiers would cause significant adverse impacts in these respects.

13. The submission states that the party walls of 27a and 31a Barnard Road would need to be raised to accommodate the works. Comments regarding the requirement for a party wall survey are noted. Nonetheless, this is a private matter between the parties and does not have any impact on the planning merits of the development.
14. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property and therefore any effect on local property values is not a consideration for this appeal.
15. Concerns regarding a lack of emergency exits for the proposed flats are noted. Fire safety within and around buildings is controlled by Building Regulations, a separate area of control. Accordingly, this concern is not a matter for my deliberations in this appeal.

Conditions

16. I have had regard to the conditions suggested by the Council in their statement of case, on which the appellant has had the opportunity to comment. Where necessary I have made revisions to some of the conditions put to me to ensure that they meet the tests in the Framework and Planning Practice Guidance, without altering their fundamental aims.
17. Planning permission is granted subject to the standard 3 year time limit condition for implementation. In addition, it is necessary to specify the approved plans in the interest of certainty. In the interest of the character and appearance of the area, a condition is necessary to control the external materials of the development. I have imposed a further condition requiring the submission of details regarding water consumption, which is necessary to make the development acceptable in planning terms. Conditions requiring the provision of a bin store and cycle store are necessary to ensure the provision of these facilities.
18. Given the proximity of the appeal site to the neighbouring property 27 Barnard Road, in the interests of safeguarding the privacy of the occupiers of this property, I have included a suggested condition requiring that the windows in the west side elevation at second floor level of the development be obscure glazed.

Conclusion

19. For the reasons set out above, I conclude that the appeal should be allowed.

N Robinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1.) The development hereby permitted shall be begun within 3 years from the date of this permission.
- 2.) The development hereby permitted shall be carried out in accordance with the following approved drawings and reports: Location Plan (Title no:

SGL294942), 29aBR.P.02 rev A, 29aBR.P.03 rev A, 29aBR.P.04 rev A, 29aBR.P.05 rev A, Policy D12 Fire Safety Strategy.

3.) All external materials used in the construction of the development hereby approved shall match the type, texture, tone, colour, size and profile of those used on the existing building and shall be retained thereafter.

4.) Prior to the first occupation of the development hereby approved, evidence to demonstrate that the internal water consumption of the development will not exceed 105l/p/day must be submitted to the local planning authority and approved in writing. The approved measures shall be retained thereafter.

5.) Prior to the first occupation of the development hereby approved, a scheme for the storage of refuse shall be submitted in writing to the local planning authority for approval. The refuse storage facilities shall be provided prior to the first occupation of the development and shall thereafter be retained.

6.) Prior to the first occupation of the development hereby approved, a scheme for the storage of bicycles shall be submitted in writing to the local planning authority for approval. The cycle store shall be provided prior to the first occupation of the development and shall thereafter be retained.

7.) Prior to the first occupation of the development hereby approved, the windows in the west side elevation at second-floor level of the development shall be obscure-glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The windows shall be retained as such thereafter.