



Appeal Decision

Site visit made on 30 January 2024

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2024

Appeal Ref: APP/H5960/D/23/3333877

119 Elborough Street, London SW18 5DS

- 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 James Oberholzer against the decision of the London Borough Wandsworth.
 - The application Ref 2023/2568, dated 5 July 2023, was refused by notice dated 13 October 2023.
 - The development proposed is for a L shaped loft conversion, internal alterations, floor plan redesign and all associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the host property and surrounding area; and the living conditions of the occupiers of the neighbouring property (No.121).

Reasons

Character and Appearance

3. The traditional mid-terraced property reflects the style and form of properties along the street. Many of the properties within Elborough Street and the surrounding streets have had additions to the rear roof. These vary in design and scale, however, I agree with the appellant that there are predominantly more with the additions, than those that remain unaltered.
4. The proposed addition would encompass the full width of the main roof and extend along the outrigger with the parapet wall raised. The design of the mansard development does not fully accord with the guidance in the Council's Housing Supplementary Planning Document (SPD) in terms of extending over more than 50% of the outrigger. I do however agree with the appellant that the only specific reference in the SPD to a 70-degree pitch is to roof extensions to mid-terrace properties between party walls. Nevertheless, the guidance does also indicate that roof additions should not be visually dominant and to minimise the impact on neighbours it may be necessary to reduce the bulk which could be through a sloping face (SPD page 84).
5. Nonetheless, the proposed form of a 'box-style' dormer is exhibited on other properties in the vicinity and many of these other additions extend along a significant proportion of their outriggers. Whilst the Council advises that these

have been facilitated through permitted development rights and therefore were not assessed against the SPD, they are now an established and prevalent feature of the area. Additionally, a lawful development certificate has been granted for roof alterations to the appeal property with 90-degree sides (Council reference 2023/1592 approved 30 June 2023).

6. Thereby, whilst there would be some conflict with the SPD guidance, having regard to the prevailing character of the area and the form of the fallback scheme I do not find that the presence of the dormers would be out of keeping with the character and appearance of the area. As such, it would accord with the requirements of policies LP1, LP2 and LP5 of the Wandsworth Local Plan 2023 to 2038 (the Local Plan) with regards to extensions being sympathetic and in keeping with the character of the locality.

Relationship with Neighbour

7. The immediate neighbour, No.121, has both a wraparound dormer and a roof terrace which is enclosed by obscure glazed panels on the opposing outrigger. The property has been converted into two flats and in the dormer to the outrigger is a window serving a kitchen and there is a Juliet balcony to the main roof.
8. The distance between the two outriggers is limited and significantly below the distance normally sought in terms of separation for privacy. Due to this proximity, the development would result in an increased sense of enclosure for the occupiers of No.121B and there would be intervisibility between the two properties through the additional windows to the detriment of the privacy of the occupiers of both properties.
9. The fallback scheme would add bulk to the roof, albeit it would not extend as far along the outrigger, and as the appeal property is sited to the north of No.121 it would not unduly impact sunlight. While I understand the appellant's position that the roof additions to No.121 have impacted their property and are also restricting them from undertaking similar alterations, those additions were approved, and it is necessary to consider the effect of this development on the neighbouring property.
10. As advised by the Council, other outrigger additions have been achieved through permitted development rights. The conditions of those rights (Classes B and C¹) restrict windows in the side elevations to obscure glazing and non-opening below 1.7m, therefore this is not a matter to which I attach weight in relation to reduced levels of privacy.
11. I appreciate that the proposal would create additional bedrooms to the benefit of the occupiers, but extra space would also be achieved through the smaller fallback scheme and there are amendments to the design, which were requested by the Council, that could minimise the impact on the neighbour.
12. Overall, the proposal would conflict with policy LP2 of the Local Plan which seeks to ensure that development does not adversely impact the amenity of existing and future occupiers, including through overbearing impact, overlooking and a sense of enclosure.

¹ Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1. Class B – additions etc to the roof of a dwellinghouse and Class C – other alterations to the roof of a dwellinghouse

Conclusion

13. Whilst I have found that the development would not be out of keeping with the character and appearance of the area, it would harm the living conditions of the occupants of No.121B and conflict with the development plan.
14. Therefore, for the reasons set out and having regard to all other matters raised the appeal is dismissed.

G Ellis

INSPECTOR