



Appeal Decisions

Site visit made on 18 June 2024

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2024

Appeal A Ref: APP/H5960/W/23/3333815

236 Mitcham Road, Wandsworth, London SW17 9NT

- 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 Mr Carl Robinson against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref is 2023/0969.
 - The development proposed is conversion of existing unit to create 2 no 2 bedroom units with side/rear extension and loft with mansard dormers.
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Appeal B Ref: APP/H5960/W/23/3333818

236 Mitcham Road, Wandsworth, London SW17 9NT

- 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 Mr Carl Robinson against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref is 2023/2067.
 - The development proposed is conversion of existing unit to create 2no 2 bedroom units with side extension and loft with mansard dormers
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Decisions

1. Appeal A is dismissed and Appeal B is dismissed.

Preliminary Matters

2. As set out above there are two appeals on this site. They differ in terms of the extent and design of the proposed extensions and the internal layout of the proposed flats. I have considered each proposal on its individual merits but to avoid duplication I have dealt with the two schemes together.
3. The descriptions of development as set out in the header are taken from the application forms. The appeal forms say that the descriptions have not changed but different wording has been provided. There is no confirmation that a revision to the descriptions has been agreed and so I have used the originals.
4. Since the Council's decision on the planning application leading to appeal A, the Wandsworth Local Plan July 2023 (LP) has been adopted. As well as the London Plan 2021, the LP now forms the development plan for the area and its policies replace those referred to on the Council's decision notice. The parties have had the opportunity through the appeal process to submit comments on the LP policies and I have taken them into account in my assessment.
5. Also, since the Council's decisions a revised version of the National Planning Policy Framework (the Framework) has been published. There has been

opportunity through the appeal process for the main parties to submit comments on the Framework and I have considered it in my determination of these appeals.

Main Issues

6. The main issues are (i) for both appeals, the effects of the developments on the character and appearance of the host building and the area, (ii) whether the developments would provide acceptable living conditions for future occupiers having regard to floorspace (for Appeal A) and ceiling heights (for both appeals), and (iii) the effects on the living conditions of occupiers of neighbouring properties in terms of outlook and access to light (for appeal A only) and noise and privacy (for both appeals).

Reasons

Character and appearance

7. The appeal property is at the end of a short terrace of similar properties facing Mitcham Road. Like the other buildings in the row, it has a shop at the front at ground floor and residential accommodation above.
8. The rear of the terrace can be seen from Otterburn Street that runs to the side of the appeal site as well as from Glasford Street that runs down the side of 262 Mitcham Road (No 262) at the other end of the row. From these roads, the 2 storey high, gable-ended projections to the rear of all of the properties are clearly seen. Roof extensions to most of these rear projections are set back so that the original end gable walls are clearly discernible. These end walls are of the same size and regularly spaced with a matching pattern of fenestration. This ensures the terrace is seen as a coordinated and attractive whole when viewed from the rear. The appeal property and the others in the terrace are not listed and they are not in a conservation area. Nonetheless, their uniformity makes a positive contribution to the visual qualities and character of the area.
9. The alterations to the rear as proposed under both appeals would be clearly seen from Otterburn Street. The Appeal A scheme would include a 2 storey addition to the side to bring the flank of the rear projection next to the road. Also, a 2 storey high extension would be added to the rear and a mansard roof addition to the top. These alterations would entirely subsume the existing rear projection so that none of its current form would be visible. Consequently, the extensions would dominate and would be unsympathetic to the host property. Moreover, the sense of symmetry with the adjoining property would be lost, particularly as the fenestration in the end elevation would fail to match its neighbour in terms of position and size. Furthermore, the proposed alterations would noticeably and significantly erode the existing pattern of the rear projections along the terrace. As such, the development would appear markedly at odds with its context.
10. The Appeal B scheme would not include an addition to the end of the rear projection and the proposed mansard roof extension would be set slightly back from the vertical walls. As such, the topmost part of the gable end wall would remain discernible. Also, the rear fenestration would largely remain the same. Even so, the Appeal B proposal would still include an extension to the side that would align with the current end wall of the rear projection. As such, part of the existing gable end would be lost and the rhythm of the projections along

the rear of the terrace would be eroded, particularly when looking at the first floor level. Therefore, the Appeal B development would also be harmful to the appearance and character of the host property and the locality. The use of external materials to match those used in the appeal property would not address the incongruity of the form of the development.

11. No 262 has been extended to the side and rear but this is at ground floor level only. As the roof extension to No 262 is set back, the gable end of its rear projection is still clearly appreciated. As such, the extension at No 262 has had a different visual effect than the developments proposed under these appeals and so it does not address nor overcome my concerns.
12. I am also referred to extensions to other properties that have been permitted. None of these relate to a site close to the appeal property and I am unconvinced that they would have a similar effect on the uniformity of a row of buildings such as the appeal proposals. These other cited examples therefore fail to justify the identified harm.
13. The appellant suggests there should be no objection in principle to the proposed alterations as the property is not in a conservation area. Also, it is claimed that the character of areas within London are bound to change over time in order to accommodate the housing required in appropriate locations. However, the LP policies referred to by the Council relate to all development not just to that within a conservation area. Also, it is clear from the provisions of the Framework that the creation of high quality and beautiful buildings is a fundamental aim in assessing proposals.
14. For the above reasons, I conclude the Appeal A and Appeal B developments would both cause harm to the character and appearance of the host building and the area. In these regards, they would not accord with LP policies LP1 and LP5. Amongst other things, these seek to ensure extensions complement the form of the host property and that development relates positively to prevailing local character.

Living conditions for future occupiers of the development

15. Under LP policy LP27, all new dwellings should comply with Nationally Described Space Standards (NDSS). For a 2 bedroom dwelling with bed spaces for 4 people the minimum gross internal floor area standard is 70m².
16. The proposed second floor flat under appeal A would provide 2 bedrooms. Both of these would be of a size to accommodate a double bed and so it is fair to treat this flat as being for 4 people. It is agreed between the parties that the floor area of this flat would be 64.7m² and so below the NDSS minimum standard.
17. The NDSS require at least 75% of the gross internal area of a dwelling to have a floor to ceiling height of 2.3m. The drawings provided with appeal A do not clearly show the ceiling heights. However, section plans provided with appeal B indicate the proposed flats would be provided with ceilings at least 2.3m above floor levels. Despite the Council's concerns, I consider this section drawing is generally consistent with the other plans. I am satisfied therefore that the development under appeal B would achieve the required ceiling heights. The development under appeal A would be similar in terms of floor levels and the

heights of the storeys and so I find this proposal would also be acceptable in these regards.

18. Therefore, I conclude the Appeal A proposal would provide inadequate living conditions for its occupants having regard to internal floor space and the relevant part of the NDSS. In these regards, the appeal A development would not accord with LP policy LP27. However, I find both the appeal A and appeal B schemes would be acceptable having regard to floor to ceiling heights.

Living conditions of occupiers of neighbouring properties

19. The extension to the end of the rear projection as proposed under Appeal A would extend out beyond the plane of the rear facing windows in the adjoining property. In doing so it would lead to a degree of overshadowing of the neighbour's first floor bedroom window and would impinge on the views therefrom. Also, by reason of its height and position on the common boundary, this extension would have significant overbearing and enclosing effects to the rear of the adjoining property. The projection would be fairly modest but nonetheless the Appeal A development would be harmful in these respects.
20. The Council's concerns over privacy relates to the use of the roof terraces. For both of the schemes, an existing balcony area to the front is shown as being available for the residents of the first floor flat. It would be possible to prevent easy overlooking from this balcony towards the neighbouring property by introducing a screen. This could be reasonably secured through the imposition of a planning condition.
21. Under the Appeal A development, a new roof terrace would be created to the rear at second floor level from which there would be views towards the adjoining property in the row. However, the potential for overlooking could be reduced through the introduction of a screen on the side of the terrace area. Again, it would be reasonable to secure such a measure through a planning condition. The views from this roof terrace would not cause a significant degree of overlooking of any other nearby property compared to the existing situation. Accordingly, I am satisfied the Appeal A and Appeal B developments would avoid an intrusive loss of privacy.
22. The Council's concerns over noise relates to the use of the balcony and roof terrace. However, the aforementioned screens could be designed to help reduce noise disturbance. Moreover, the proposed developments would be used for residential purposes and so they are unlikely to generate excessive or unusual noises, even if the external terraces are used intensively.
23. Overall, I conclude the Appeal A development would cause harm to the living environment for residents at the adjoining property in the row of buildings by reason of loss of light and outlook. In these respects, the Appeal A development would not accord with LP policy LP2, which amongst other things, seeks to ensure new development avoids unacceptable impacts on levels of light to adjoining properties and overbearing effects.
24. Also, I conclude that the Appeal A and Appeal B developments would not cause harm to the living environments at nearby residences by reason of loss of privacy or noise. In these respects, the developments would accord with LP policy LP2.

Other Considerations and Planning Balance

25. For the reasons given above under all 3 main issues, I have found the Appeal A development would be unacceptable. The Appeal B proposal would only be harmful due to its effect on the character and appearance of the host building and the locality. Both developments would be contrary to the LP when read as a whole. It follows to consider whether there are any factors that justify granting planning permission contrary to the identified conflicts with development plan policies.
26. The proposals would both make a more efficient use of previously developed land by providing an additional residential unit. The proposed flats would be near to facilities and public transport links and so they would provide occupants with convenient access to services. Moreover, they would represent small windfall developments, which are promoted under the Framework. However, the benefits of the schemes would be modest as each would only lead to a single additional unit.
27. There are various unacceptable elements of the Appeal A development such that the significant harm it would cause is not outweighed by the benefits. The level of harm caused by the Appeal B scheme would be less but nonetheless I attach moderate weight to the detriment caused by this proposal. Consequently, I also find insufficient justification to allow Appeal B.

Conclusion

28. For the reasons given, I conclude that Appeal A and Appeal B should be dismissed.

Jonathan Edwards

INSPECTOR