



Appeal Decision

Site visit made on 3 July 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2024

Appeal Ref: APP/H5960/W/23/3329648

Velosport, 252 Upper Richmond Road, London SW15 6TQ

- 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 Raj Sidhu against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref is 2022/5241.
 - The development proposed is alterations in connection with conversion of rear of basement and ground floor retail shop (Class E) to residential (Class C3) to create 1 x 2-bedroom flat with rear terrace and external steps.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description of development above from the planning decision notice and the appeal form as this is the most succinct version provided.

Main Issue

3. Whether the proposal would provide satisfactory living conditions for future occupiers with particular regard to light, outlook and noise and disturbance.

Reasons

4. This appeal concerns part of a three storey mid-terraced property which is currently occupied by a retail use on the ground and basement floors, with the upper floors separated into flats.
5. The proposed residential unit would be arranged over the rear part of the ground and basement floors of the property. All windows of the unit would be on the north elevation of the property, thus the proposed flat would be a single aspect dwelling.
6. Policy D6 of The London Plan: The Spatial Development Strategy for Greater London (March 2021) (the London Plan) aims for housing developments of a high quality and standard. It notes that developments should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings.
7. The supporting text to this policy notes that single aspect dwellings that are north facing should be avoided. The design of single aspect dwellings must demonstrate that all habitable rooms and the kitchen are provided with adequate passive ventilation, privacy and daylight, and that the orientation

- enhances amenity, including views. There is nothing to suggest that this policy should be solely applied to newbuild residential development.
8. Policy LP27 of the Wandsworth Local Plan 2023-2038 (July 2023) (the WLP) states that all new residential development will be expected to provide dual-aspect accommodation unless it can be suitably demonstrated that a single aspect would provide for a more appropriate design solution.
 9. In such an instance, this policy notes that all single aspect units should provide for an acceptable level of daylight and optimise the opportunity for enabling direct sunlight; ensure that the aspect is not predominantly north facing; and not face onto significance sources of noise and vibration, amongst other things.
 10. The habitable rooms of the appeal proposal would be served by large glazed windows and doors. However, by virtue of their north facing aspect they would not benefit from direct sunlight. A considerable portion of the windows serving the bedrooms on the basement floor would be below the level of the garden and within close proximity to the walls of the lightwell, with one window also below the proposed balcony and stairs serving the living room above. Two large trees dominate the rear garden thus further limiting light reaching the proposed dwelling at both levels.
 11. Paragraph 129c of the National Planning Policy Framework (the Framework) notes that authorities should take a flexible approach in applying policies relating to daylight and sunlight where they would otherwise inhibit making efficient use of a site. However, this is as long as the resulting scheme would provide acceptable living conditions.
 12. There is insufficient evidence before me to demonstrate that adequate levels of natural light would reach the habitable rooms of the proposal to ensure they would not be unduly gloomy and oppressive rooms that are not overly reliant on artificial lighting, given the aforementioned features of the development. I cannot therefore convincingly conclude that the single, north facing aspect of the proposal would provide acceptable living conditions.
 13. Additionally, the outlook from the bedrooms onto the high wall of the narrow lightwell, with one window also below the balcony and stairs, would be poor and overbearing.
 14. I acknowledge that the property would be within close proximity to a railway line. Whilst the only openable windows would face this noise source, I consider that it would not be so significant or out of keeping with this urban location such that future occupiers would experience undue harm in this regard.
 15. Nevertheless, taking all the above into consideration, the proposed development would fail to provide satisfactory living conditions for future occupiers and thus would fail to accord with Policy D6 of the London Plan and Policies LP1, LP2 and LP27 of the WLP. Along with the Framework, these policies aim for developments of a high standard of design and amenity, amongst other things.
 16. For the above reasons, the proposal would also conflict with objective GG4 of the London Plan which seeks good quality homes that meet high standards of design.

Other Matter

17. The main parties have referred to an approved scheme at the appeal site in 2017. Whilst it is implied that the scheme is similar, I have not been provided with full information relating to the 2017 permission and thus cannot ascertain its similarities to the appeal proposal before me. I also note that there have been policy changes since 2017, notably the adoption of the WLP and the London Plan.
18. In this instance the previous grant of planning permission does not carry significant weight in favour of the appeal scheme, which I have determined on its own merits and with reference to the development plan as it now stands.

Conclusion

19. The appeal proposal would provide a two bedroom dwelling on a brownfield site in an accessible location, thus intensifying the use of the land as supported by objective GG2 of the London Plan. The proposal would also generate economic benefits during construction and on subsequent occupation. Given the small scale of the proposal I afford these benefits limited weight.
20. The appellant has suggested that the exceedance of the nationally described space standards should be given substantial weight. The London Plan is clear that these standards are minimums which applicants are encouraged to exceed however, boroughs are also encouraged to resist dwellings with floor areas significantly above the standards. I afford this matter very limited weight.
21. I am not convinced that the proposal is of such an innovative design that it would exceed the expectations of the development plan. Good design is a neutral matter in the planning balance.
22. The proposal would fail to provide satisfactory living conditions for future occupiers. This harm leads to conflict with the development plan as a whole and there are no other considerations which indicate a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

H Ellison
INSPECTOR