



## Appeal Decision

Site visit made on 15 July 2024

**by F Wilkinson BSc (Hons), MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29<sup>th</sup> July 2024**

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**Appeal Ref: APP/H5960/W/24/3342396**

**58A Gosberton Road, London SW12 8LF**

- 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 Amin of CSA Property Limited against the decision of the Council of the London Borough of Wandsworth.
  - The application reference is 2023/1742.
  - The development proposed is conversion of existing derelict shop and residential dwelling to 3 separate apartments, inc. internal and external alterations + extensions and associated works.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - whether the proposal would provide acceptable living conditions for future occupiers with regard to outlook, natural light, privacy, ventilation and outdoor amenity space;
  - the effect of the proposal on the living conditions of neighbouring residents with regard to outlook and natural light; and
  - the effect of the proposed roof terrace on the character and appearance of the area.

### Reasons

#### *Living Conditions – Future Occupants*

3. The bedrooms for Flats A and B would be in the basement with outlook onto lightwells. The lightwells would have retaining walls extending up to ground level and would comprise a relatively narrow strip of land. Views out of the bedroom windows would therefore be dominated by the lightwell walls at close proximity. This would result in a sense of enclosure that would be unduly oppressive for occupiers.
4. Additionally, given the limited depth of the lightwells, I am not persuaded that the bedrooms would receive sufficient natural light penetration, in particular the main bedroom of Flat A given its orientation. This would lead to a gloomy environment for much of the day. No light assessments or other compelling evidence have been provided to convince me otherwise.

5. The main living accommodation at ground-floor level would provide an acceptable aspect for occupants of Flats A and B. While bedrooms could be described as secondary accommodation, they are nonetheless habitable rooms. Furthermore, given the open plan layout of the ground floor living space and the unknown nature of potential occupiers, in my judgment there would be a reasonable likelihood that the bedrooms would not only be used for sleeping, but also as a space for occupiers to use for other reasons such as working, studying, or relaxing. A reasonable level of outlook and light would be a necessary factor in delivering acceptable living conditions in such situations.
6. In terms of the size of outdoor amenity space proposed, all three flats would meet the minimum standards set out in Policy D6 of the 2021 London Plan, although the Council identifies that the roof terrace for Flat C would not meet the minimum width requirement. These standards apply where there are no higher local standards. However, Policy LP27 of the 2023 adopted Wandsworth Local Plan 2023-2038 (the Local Plan) sets higher local standards. The outdoor amenity space for Flats B and C would be less than the 10 square metres (sqm) required by Policy LP27 for a 2-bedroom dwelling, and the space for Flat A would be less than the required 15sqm for a 3-bedroom dwelling.
7. The appellant argues that it would be reasonable to accord some flexibility due to the proposal being a conversion. However, Policy LP27 states that all new residential development, including conversions, will be required to meet the space standards. In my view, the provision of a satisfactorily sized useable area of private outdoor space is not an unreasonable requirement, in terms of delivering high quality places that promote a high standard of amenity for future users.
8. Policy LP27 excludes front gardens when applying the space standards. The outdoor area identified for Flat B would be to the front of the property and so occupiers of this flat would not be provided with any degree of privacy when in this area. The size of the outdoor area for Flat A would markedly restrict opportunities for occupiers to undertake the range of outdoor activities normally associated with a private garden serving what would reasonably be considered as a family sized home.
9. It may well be the case that a conversion of the building to residential use using permitted development rights would not require provision of any private outdoor amenity areas and that the existing residential accommodation in the building does not have access to private outdoor space. However, the failure of the proposal before me to meet the minimum requirements established in the Local Plan for outdoor amenity space by more than a modest amount would not justify allowing development that would fail to meet the reasonable needs of future occupiers in this regard.
10. While close to the pavements, views of the side and front lightwells would be only fleetingly experienced by those passing on foot. This would not be harmful to the privacy of future occupiers.
11. Although it is unclear from the submitted evidence as to whether the rooflights that would cover the side and rear lightwells of Flat A would be fixed or not, the appellant identifies that the windows that would serve the bedrooms would be openable. The submitted plans show that a basement MVHR ventilation system would be installed. The Council's 2016 Housing Supplementary Planning Document identifies that adequate ventilation is required by the building

regulations for all habitable rooms. On this basis, I am satisfied that appropriate ventilation would be provided to the basement accommodation.

12. Pulling these points together, I find that future occupiers of the proposed flats would have acceptable privacy and I am satisfied that appropriate ventilation would be provided. However, the proposal would fail to deliver an acceptable standard of outlook for the basement bedrooms of Flats A and B or adequate levels of natural light. The proposal would also provide inadequate outdoor amenity space for occupiers of all three flats.
13. Consequently, while the flats would meet the required minimum internal floorspace standards, I conclude that the proposal would nevertheless fail to provide acceptable living conditions for future occupiers with regard to outlook, natural light, and outdoor amenity space. It would therefore be contrary to the residential amenity requirements of Policy D6 of the London Plan and Policy LP27 of the Local Plan.

#### *Living Conditions – Neighbouring Residents*

14. The proposed extension would project further from the main rear elevation of the building than the existing small, pitched roof extension that it would replace. It would extend to around half the length of the relatively modest sized garden of no. 58 along the shared boundary. The proposed extension side wall would be markedly higher than the existing boundary fence. Its length, height and proximity would combine to significantly increase the sense of enclosure when in the rear garden of no. 58, with an overbearing impact on the outlook from this area.
15. I appreciate that the garage on the site would be removed. However, based on my site visit observations, this structure does not appear to noticeably extend above the boundary fence, and there is no clear evidence before me to indicate otherwise. I am not therefore persuaded that the existing garage causes any undue sense of enclosure for residents of no. 58.
16. The rear garden of no. 58 will already experience some overshadowing from the boundary fence. Due to its combined height, depth and siting to the west, the proposed extension would increase the depth of the shadow cast over no. 58's garden in the afternoons. While this increase would be modest and would not amount to a reason for dismissing the appeal, it would exacerbate the overbearing nature of the proposal.
17. Although not specifically raised by the Council, interested parties have expressed concern about the effects of the proposal on outlook and light for residents of nearby dwellings to the rear. However, I am satisfied that the separation distances would be sufficient to ensure there would be no harm to the living conditions of other nearby residents with regard to outlook and light.
18. I conclude that the proposal would harm the living conditions of neighbouring residents at no. 58 with regard to outlook from the rear garden. The proposal would therefore be contrary to the residential amenity requirements of Policy LP2 of the Local Plan.

#### *Character and Appearance*

19. Although there is some variety in the rear and side elevations of the terraced properties in the vicinity of the site, roof terraces do not appear to be a

characteristic feature of the area. While the roof terrace would not result in a loss of privacy for nearby residents due to its location predominantly on the flank elevation with a reasonable separation distance and/or angled view to nearby dwellings, this does mean that it would be clearly visible in views along Mayford Road. The proposed roof terrace would introduce an alien element into the street scene.

20. The black painted railing around the boundary of the roof terrace would form a modest feature. However, the introduction of a roof terrace on the main side flank elevation at first floor level, together with the likely addition of items associated with its domestic use such as seating and planters, would jar with the simple architectural form of the building and the character of the wider terrace.
21. The uniformity of the terrace and others in the vicinity have been disrupted to an extent by a mix of rear extensions including on corner properties. Nevertheless, while the proposal would be relatively modest in scale, its siting and proposed use along with the associated paraphernalia would introduce an incongruous addition at the mid elevation of the terrace which would exacerbate this disruption.
22. I therefore conclude that the proposed roof terrace would harm the character and appearance of the area, contrary to Policies LP1 and LP5 of the Local Plan. These policies require proposals to integrate with their surroundings, respect the host building and be in keeping with the character of the locality amongst other considerations.

### **Other Matters**

23. It is argued that the proposal would visually improve the building. While the ground floor commercial unit is currently vacant, it is not in a poor state of disrepair and the building sits relatively unobtrusively within the street scene.
24. The proposal would result in the net addition of two dwellings to the supply of housing on an existing site in a location within a reasonable walking distance of a range of services and facilities and that is well served by public transport. In this regard, it would accord with objectives of the Framework including significantly boosting the supply of homes. There would also be social and economic benefits such as construction employment and additional residents supporting local services and facilities. These considerations weigh positively for the proposal, although I do not afford them very significant weight given the quantum of houses proposed.
25. These matters would not outweigh the harm that I have identified.

### **Conclusion**

26. The proposal would conflict with the development plan taken as a whole. There are no material considerations of sufficient weight that would indicate the decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

*F Wilkinson*

INSPECTOR