



Appeal Decision

Site visit made on 15 July 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2024

Appeal Ref: APP/H5960/W/23/333372

First Floor Flat, 34A Graveney Road, London SW17 0EQ

- 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 Ms Emily Richards against the decision of the Council of the London Borough of Wandsworth.
 - The application reference is 2023/2436.
 - The development proposed is an enclosed first floor balcony.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The balcony has been constructed on site and the application was made on a retrospective basis. I have considered the appeal in the same manner.

Main Issues

3. The main issues are the effects of the development on i) the character and appearance of the area, and ii) the living conditions of neighbouring occupants.

Reasons

Character and Appearance

4. The balcony is located to the rear of an existing two storey rear outrigger. It comprises timber posts at ground level supporting a platform suspended at first floor level over a shallow, single storey lean-to section of the building. The balcony is enclosed by two metre high slatted timber screens.
5. There is some variety to the rear elevations of Graveney Road and Selkirk Road opposite, with a range of rear extensions and roof level additions visible. However, there remains a degree of consistency in terms of building lines, upper floor extensions being shallower in depth, and use of brick construction. My observations were that balconies are not a common feature of the immediate surroundings, though I observed those referred to by the appellant.
6. Against this context, the balcony forms a unique feature. Its timber construction has a makeshift appearance that fails to respect the traditional architecture of the host building. In particular, the slatted timber panels are akin to garden fencing and appear discordant in such an elevated position. They also add significantly to the overall size and solidity of the structure, which at 4.95 metres high overall is widely visible from adjacent properties and those to the rear on Selkirk Road.

7. Moreover, the balcony has been constructed with little to no consideration for the form of the existing building, evidenced by the use of supporting timber posts to suspend it crudely above the lean-to section below. It forms an aberrant addition that fails to integrate with the form of the existing building or the wider pattern of development.
8. The appellant refers to other balconies and rear additions within the immediate surroundings. The example at 74 Selkirk Road is a demonstrably more lightweight structure which does not obscure the rear elevation of the building in the manner the appeal development does. That at 55 Selkirk Road appears to be a fire escape or garden access, with a lightweight form using open, metal railings that presents an unassuming, functional appearance, akin to the staircase at the appeal property.
9. A high level terrace enclosed by glass balustrades at 39 Selkirk Road is a prominent feature, but appeared from my observations to be an isolated example of a high level balcony and is not representative of a pattern of such development. It also differs from the appeal scheme in being located above the rear outrigger rather than projecting beyond it. Reference is otherwise made to actual rear extensions along Graveney Road which are a different form of development to a balcony and not comparable to the appeal scheme.
10. For these reasons, I conclude that the appeal scheme causes significant harm to the character and appearance of the area, contrary to Policies LP1, LP2 and LP5 of the Wandsworth Local Plan (2023) (the WLP), which together require that developments provide a high-quality, sustainable design and layout that enhances and relates positively to the prevailing local character; that they are not visually intrusive and that they respect and/or complement the form, setting, period and detailing of the host building.

Living Conditions

11. The Council's concern relates to the effect on the adjacent property at No 32, in particular with respect to creating an overbearing impact. From the evidence before me, the balcony forms a conspicuous feature looming above the shared boundary with No 32 that would be constantly observed by users of the neighbouring garden. Whilst not significant in depth, the combination of its height, solid form and position immediately on the boundary means it forms a dominant and disconcerting structure that has an overbearing impact on occupants of No 32.
12. The Council did not find that the balcony poses a risk to the levels of privacy enjoyed by neighbouring occupants. I also acknowledge that, within urban environments, a degree of communal overlooking exists across gardens from upper floors. However, I have had regard to concerns raised by the occupant of No 32 and I saw on site that the gaps in the timber slats do afford views down to the neighbouring garden at closer range than any neighbouring property, or the view from the small window indicated to have previously been in situ. Moreover, the nature of the slatted screening is such that neighbours may perceive users' presence on the balcony but be unable to clearly see them. This has the potential to cause unease for neighbouring occupants and harmfully undermine their feeling of privacy and security.
13. Concerns are raised by the neighbouring occupant relating to loss of sunlight and increased shading in the evening. I note that the development does not

contravene the 45 degree test in terms of enclosure to neighbouring windows. Given the size of the structure, and the relative scale and position of existing buildings, any loss of sunlight would be limited to a small period in the evening, and is unlikely to affect the whole garden. As such, this is not a factor weighing against the proposal.

14. The appellants' reference to existing balconies and windows nearby is noted, but the assessment of the effect on living conditions is inevitably a site specific one, and the evidence before me is not detailed enough to establish whether the site circumstances in these other cases are comparable to the present appeal. Therefore, I do not regard these examples as establishing a precedent for the scheme before me, which I have considered on its own merits.
15. Therefore, I conclude that the appeal scheme causes harm to the living conditions of neighbouring occupants, due primarily to its overbearing form, but also due to adverse effects in terms of overlooking and loss of privacy. This conflicts with Policies LP1 and LP2 of the WLP in so far as they seek to ensure that development is of high quality design that, among other things, does not adversely impact the amenity of existing and future occupiers, including in respect of overbearing impact and overlooking.

Other Matters

16. The appellant has indicated a willingness to change the timber screens to glass panels. However, this would represent a significant change to the design of the development, and one which the appeal process should not be used to advance. No detail of glass panelling has been submitted, but this aside, its use raises the potential for greater overlooking of neighbouring properties. Moreover, my concerns with the design of the balcony are not limited to the materiality of the screens but include the suspended, oversailing form and its discordant effect on the overall appearance of the building. Therefore, this change would not overcome the harm identified.
17. It is raised that the proposal contravenes a condition attached to planning permission granted in 2023¹ for alterations including the erection of a single storey rear extension to the ground floor flat. The condition refers to the 'roof area' of the development not being used as a balcony, which I glean from the evidence would involve a flat roof extending out beneath the balcony. Whilst this restriction would relate to a similar part of the appeal site, it is ultimately attached to a separate planning permission which does not yet appear to have been implemented. This is not a decisive matter, therefore, and I have considered the appeal on its own merits.

Conclusion

18. Given my findings above, the appeal scheme conflicts with the development plan, taken as a whole. There are no material considerations which indicate that a decision should be taken other than in accordance with the development plan. Therefore, the appeal should be dismissed.

K Savage

INSPECTOR

¹ Council Ref 2023/0395