



Appeal Decision

Site visit made on 27 September 2024

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2024

Appeal Ref: APP/H5960/D/24/3349555

34 Westbridge Road, Wandsworth SW11 3PW

- 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 Khalid Hameed Nashat against the decision of the Council of the London Borough Wandsworth.
 - The application Ref is 2023/3957.
 - The development proposed is the demolition of the existing vehicle garage and the erection of two-storey outbuilding within the rear garden of the property.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development on the planning application form describes the proposal as the "construction of a two-bed 2 storey dwelling", whereas the appeal form and decision notice refer to the proposal as a "two-storey outbuilding". Based on all the information before me, and the fact that this is a householder application/appeal, I am of the view that the description given on the appeal form more accurately describes what is proposed and, to avoid any doubt, I have used this description in the banner heading above.
3. There are a number of sets of drawings in the information before me. My assessment below is based on the drawings listed on the decision notice.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to privacy.

Reasons

5. The appeal proposal is a handsome brick house situated in a residential street. It has a long rear garden at the far end of which there is a double garage and other outbuildings. Beyond the garage is a lane that provides access to a variety of outbuildings to the rear of neighbouring houses.
6. The proposal would comprise the demolition of the outbuildings at the back of the appeal site and erection of a 2-storey building to provide a gym and studio on the lower floor and 2 bedrooms and a wet room on the upper level. This building would be similar in height and footprint to the building at the rear of

the next door property, 36 Westbridge Road. Like the neighbouring building the lower floor of the proposal would be set below ground level.

7. The bedrooms on the upper level would have windows facing the garden. These windows would be above the level of the boundaries between properties and would therefore allow views across and into neighbours' rear gardens. This would result in an unacceptable and totally unwarranted reduction in the level of privacy currently enjoyed by occupiers of neighbouring houses.
8. For these reasons I conclude that due to the siting and elevation of the garden-facing windows the proposal would have an unacceptable effect on the living conditions of occupiers of neighbouring properties. As such the proposal fails to accord with Policy LP2 of the Wandsworth Local Plan (2023) which, amongst other matters, states that proposals will be supported where the development avoids unacceptable levels of overlooking (or perceived overlooking). There is also conflict with the guidance within the Wandsworth Housing Supplementary Planning Document (2016) which advises that a loss of privacy can occur when a new window or terrace will overlook a neighbour's window or allow views into parts of their back garden that were previously quite private.
9. I recognise that the building at the rear of No.36 has upper floor windows that enable overlooking of neighbouring gardens. However, the proposal would make an already poor situation worse, particularly in respect of the amenity of the occupiers of No.32.

Conclusion

10. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR