



Appeal Decision

Site visit made on 25 April 2025

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2025

Appeal Ref: APP/H5960/W/24/3356687

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 24 Garlies Road Limited against the decision of the Council of the London Borough of Wandsworth.
 - The application reference is 2024/2865.
 - The development proposed is to reduce the size of the commercial unit and create a two-bedroom residential unit occupying the rear of the ground and basement levels.
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Decision

1. The appeal is allowed, and planning permission is granted to reduce the size of the commercial unit and create a two-bedroom residential unit occupying the rear of the ground and basement levels at 252 Upper Richmond Road, London SW15 6TQ in accordance with the terms of the application reference 2024/2865 subject to the conditions set out in the schedule to this decision.

Procedural matter

2. The description of development in the above heading and in my decision is taken from the application forms lodged with the Council. It is, however, a shorter version than that originally provided to more succinctly reflect the development sought.

Main Issue

3. The main issue is whether the proposed development would provide satisfactory living conditions for future occupiers with regard to the standard of accommodation.

Reasons

4. The appeal property is a mid-terrace property with the basement and ground floors in use as a shop. The proposal is to convert and alter the rearmost part of the existing shop to create a self-contained flat with living space over 2 floors, an external rear balcony and steps leading to a back garden and a refuse store. The remainder of the shop would continue in that use, albeit reduced in size.
5. A similar scheme was recently refused planning permission on application and at appeal. The previous Inspector concluded that the proposal would fail to provide satisfactory living conditions for future occupiers with reference made to light and outlook. By altering the layout of the new flat, introducing roof lights and providing an Internal Daylight Assessment (IDA), dated August 2024, the appellant considers that the objections raised to the previous scheme have been overcome.

6. The main habitable rooms within the new flat would be served by large windows and glazed sliding doors solely on the north elevation. Consequently, the proposal would be single aspect, like the previous appeal scheme. Additionally, 4 roof lights would serve an open plan kitchen, living room and dining area (K/L/D) on the ground floor. Policy D6 of The London Plan (TLP), which states that development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. Policy LP27 of the Wandsworth Local Plan 2023-2038 (LP) echoes this approach. It notes that all single aspect units should provide for an acceptable level of daylight; optimise the opportunity for enabling direct sunlight; and ensure that the aspect is not predominantly north facing.
7. The appellant's IDA assesses the proposal in terms of the daylight that would reach the habitable rooms within the new flat. It considers factors such as the size and number of windows, the size, layout and surface reflectance of rooms, and the angle of visible sky reaching a particular window. The IDA concludes that both bedrooms and the K/L/D within the new flat would exceed the minimum levels of daylight recommended in the latest British Research Establishment guidance. I can see no reason to disagree with these findings nor has the Council or others provided any substantive evidence to challenge the technical results of the IDA.
8. Due to the northerly orientation of the new flat, little, if any, of the living accommodation would benefit from direct sunshine. Consequently, future occupiers would not experience the visual benefits and warmth of direct solar radiation within the new flat if the appeal scheme were to proceed. The proposed arrangement is, therefore, not ideal. Nevertheless, the inclusion of roof lights and large garden facing windows would ensure that the habitable rooms on both levels would be sufficiently bright to avoid them feeling gloomy or uninviting.
9. The outlook from the bedrooms at basement level would include the wall of a lightwell and steps ascending to the garden, both at close range. However, the finished floor levels of these rooms indicate that ample skyward views would still be available from these rooms beyond the canopies of trees within the back garden. Unlike the previously refused scheme, those views would not be obstructed to any great extent by the centrally placed external balcony and steps leading from it. A reasonably open outlook across the back garden would also be possible from the ground floor K/L/D and the external balcony. Taken overall, I find that the outlook for future occupiers would be acceptable.
10. The National Planning Policy Framework 2024 (the Framework) states 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. In this case, the resulting scheme would, on balance, provide acceptable living conditions for future occupiers. Therefore, it overcomes the objections raised to the previous appeal scheme.
11. On that basis, the proposal complies with TLP Policy D6 and LP Policies LP1, LP2 and LP27 insofar as they aim to safeguard residential amenity. It also accords with the Framework, which notes that developments should create places with a high standard of amenity for users.

Other matters

12. Interested parties raise several additional objections to the proposal. There is nothing substantive before me to indicate that the stability of the host building would be unduly compromised or that the resultant space available within the

retained shop would not be viable for retailers. It is unclear exactly how other businesses in the local area would necessarily be disadvantaged particularly if the local spending from future occupiers is considered. From the submitted plans, I am not persuaded that the shared internal corridor would be inadequate or that the proposal would lead to an infestation of vermin, nor cause or exacerbate drainage and sewerage problems. Since each development should be assessed on its own merits, as I have done, a decision either way in this case would not set a precedent for others. None of the trees within the back garden are proposed to be removed.

13. The presence of rooflights might allow some intervisibility between the K/L/D and the residential accommodation on the upper levels of No 252. However, such views would be at a tight angle and possibly at some distance. While the proposal brings into use the back garden of No 252, the type of overlooking possible from this external area is, in my experience, a common feature of built-up areas such as this. To my mind, the additional overlooking possible would have no significant impact on the living conditions of future occupiers or those of nearby properties.
14. Some noise and general disturbance to others during the construction phase is inevitable given the nature of the alterations required and the position of the new flat at the back of the existing building. However, this potential disruption would be over a limited time, and it is insufficient reason to withhold planning permission.
15. I acknowledge that the development sought has attracted strong local opposition. However, the extent of local opposition is not, in itself, a reasonable ground for resisting development. To carry significant weight, opposition should be founded on valid planning reasons, which are supported by substantial evidence. Having considered all the representations submitted at both the application and appeal stages, I am not persuaded that the objections raised, taken individually or together, outweigh my findings in relation to the main issue.

Conditions

16. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. The drawing numbers of these plans differ to those cited on the decision notice. To ensure the satisfactory appearance of the development, a condition is imposed to require that the external materials match those of the existing building.
17. Conditions to encourage water efficiency and to reduce carbon dioxide emissions are necessary to reduce water consumption and promote sustainable development respectively. To protect the privacy of nearby residents, a condition is imposed to ensure that the flat roof of the development is not used as an additional balcony or terrace. Where necessary, I have amended the Council's suggested conditions for clarity and to more closely reflect national policy.

Conclusion

18. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

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252 Upper Richmond Road, London SW15 6TQ

Schedule of conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 023-PL-000, 01, 02, 03, 023-PL-001 Rev C, 023-PL-002 Rev B and 023-PL-003.
- 3) All external materials used in the construction of the development hereby permitted shall match the type, texture, tone, colour, size and profile of those used on the existing building and shall be retained permanently.
- 4) The development hereby permitted shall achieve a maximum water use of 110 litres per person per day for homes (including an allowance of five litres or less per person per day for external water consumption) in line with the Water Efficiency Calculator for new dwellings from the Department of Communities and Local Government. Prior to first occupation of the flat hereby permitted, evidence to demonstrate that the internal water consumption of the development will not exceed 105l/p/day shall be submitted to and approved in writing by the Local Planning Authority. The development shall be maintained as such in perpetuity thereafter.
- 5) The flat hereby permitted shall not be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority, which demonstrates that the development has achieved at least a 35% reduction in carbon dioxide emissions above the levels set in Building Regulations Part L 2021. The installed measures shall be permanently retained and maintained thereafter.
- 6) The flat roof area of the development hereby permitted except the area marked as balcony on the approved plans shall not be used as a balcony, roof garden or similar amenity area. No balustrades, railings or other means of enclosure or means of permanent access shall be erected on these areas.