



Appeal Decision

Site visit made on 25 April 2025

by **O Tresise MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025.

Appeal Ref: APP/H5960/W/25/3360047

74 McDermott Close, Wandsworth, London SW11 2LZ

- 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 Mrs Yordanka Ivanova against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref is 2024/3225.
 - The proposed development is described as a 'new balcony, new door for access to balcony'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues relevant to this appeal are the effect of the proposed development on
 - the character and appearance of the area, and
 - the living conditions on the occupiers of the neighbouring properties, with particular regard to outlook

Reasons

Character and Appearance

3. The site occupies the second floor and the attic area of a three-storey block of flats in the Kambala Estate. The layout of the blocks creates a communal courtyard garden. With the exception of some small dormers, there are limited alternations to the rear elevations of these blocks. Most of these blocks of flats retain their original architectural features and detailing, which contribute positively to the character and the appearance of the original buildings. In addition, the uniformity of buildings also gives a consistent character.
4. The proposed balcony would be positioned at the corner, against to the flank wall of the adjacent building. It would only be visible when approaching closer to the rear elevation of the block of flats. However, this block, like others in this vicinity, has not been significantly altered, and its original architectural features remain intact. Accordingly, the proposal would result in an incongruous addition that would detract from the established character and appearance of the building and its surroundings.
5. Furthermore, I appreciate that the proposed balcony would be a hollow structure, the proposed balcony would be enclosed with a solid privacy screen. Given its

height and solid appearance, the proposed balcony would be considerably at odds with the design of the surrounding buildings. As such, it would introduce an incongruous feature that undermine the character and appearance of the building when viewed from the courtyard garden.

6. I therefore conclude that the proposed development would harm the character and appearance of the host building. The development would be contrary to Policies LP1 and LP5 of the Wandsworth Local Plan (2023) and the Wandsworth Housing SPD (2016), among other things, seek to achieve a high-quality design that promotes local distinctiveness, and the new development should respect the character of the surrounding area.

Living conditions

7. The proposed balcony would be partially positioned in front of a window serving a communal area on the second floor of the adjacent block of flats, which lies to the northeast of the site. Further to the east of this communal window is a neighbouring habitable room window, which sits slightly above the level of the proposed balcony.
8. Whilst the proposed balcony would be located in proximity to this neighbouring window, given its oblique angle, elevated position, and the height of balcony, it would not result in an unacceptable outlook for the occupiers of the flat on the second floor of the adjacent block.
9. The proposed balcony would be also positioned near to and directly above the window of the first-floor flat, which serves as the sole source of natural light on that elevation for this particular flat. The proposed balcony would be excessive in length and would project considerably beyond the rear elevation. Consequently, the appeal proposal would result in a substantial loss of natural light to this room, and create a diminished outlook, thereby affecting the living conditions of the occupiers of the first-floor flat.
10. I therefore conclude that the proposed development would harm the living conditions of the occupiers of the first floor flat. The proposal would conflict with Policy LP2 of the Wandsworth Local Plan (2023) and the Wandsworth Housing SPD (2016), among other things, seek to protect the amenity of the existing and future occupiers of neighbouring properties.

Other Matters

11. I have carefully considered the reasons why the appellant has applied for planning permission for the proposed development. I have no doubt that the proposed development would result in improvements in living conditions for the appellant. These are circumstances to which I attribute weight in favour of the appeal.
12. In weighing such circumstances in the planning balance, these must be considered against the significant adverse effects that would arise to the living conditions of the occupiers of the neighbouring residential properties and the adverse effects on the character and appearance of the surrounding area.
13. I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which specifies the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected

characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act 1998, which requires that decision makers have due regard to Human Rights and any protected characteristics in decision making.

14. In respect of the above, a refusal of planning permission is a proportionate, and necessary approach to the legitimate aims of ensuring that developments are appropriately designed and do not harm the living conditions of the occupiers of neighbouring properties.
15. Furthermore, the protection of the public interest cannot be achieved by means that are less interfering of rights of the appellant. Therefore, whilst I acknowledge these personal circumstances, this is not a matter that outweighs the harm that would be caused by the proposed development in respect of my previous conclusions on the other main issues.

Conclusion

16. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

O Tresise

INSPECTOR