
Appeal Decision

Site visit made on 28 April 2025

by **S Burch BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 June 2025

Appeal Ref: APP/H5960/D/24/3355715

44 Tonsley Hill, Wandsworth, London SW18 1BB

- 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 and Mrs Mark Perchtold against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref is 2024/1719.
 - The development proposed is described as 'Erection of replacement front and rear mansard roof extension to main roof (with French doors and safety railings); and two-storey extension above part of single-storey back addition.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There have been changes to the National Planning Policy Framework (the Framework) since the determination of the planning application. Having reviewed them, I am satisfied that as far as their substance relates to the main issue in the appeal, further consultation with the main parties would not be necessary since they have not materially affected or prejudiced the cases of the parties. I have proceeded on this basis, with reference to the 2024 version of the Framework.

Main Issues

3. There is no dispute between the parties as to the acceptability of the proposed works to the main roof or the alteration of the ground floor projection. On the basis of the evidence before me I am satisfied that this aspect of the proposal would cause no material harm and would not conflict with any development plan policies. My report therefore focuses on the acceptability of the proposed first and second floor rear extension.
4. Therefore, the main issues are the effect of the first and second floor rear extension on:
 - the living conditions of the occupiers of 46 Tonsley Hill, with particular regard to outlook; and the occupiers of properties on Fullerton Road, with particular regard to privacy and;
 - the character and appearance of the host property and surrounding area.

Reasons

Living conditions- outlook

5. By virtue of its overall height and length, the flank wall of the new extension would extend beyond the main rear wall of No. 46 and dominate the outlook from a number of rear windows of this neighbouring property. Whilst the nearest affected windows serve a staircase, the development would still appear oppressive and overbearing when viewed from these windows and would therefore be harmful to the outlook from these stairwell windows. Furthermore, at first floor level the window serving the stairwell provides the only true rear outlook as the other window serves a bathroom. Bathrooms are generally obscurely glazed and therefore it is likely that there would be limited outlook from this window.
6. The extensions would also be readily apparent when viewed from within the rear garden of No. 46, despite its configuration. Overall, the extensions would create harmful sense of enclosure, which would have a detrimental effect on the living conditions of the occupiers of No.46, and their enjoyment of their outdoor amenity space.
7. Given the angle of the roof lights on the ground floor rear extension of No.46, it is unlikely that proposed extensions would be readily visible from within this room. The outlook from these windows would therefore not be materially harmed by the proposed extensions.
8. Nonetheless, the proposed development would adversely affect the living conditions of the occupiers of No. 46, with particular regard to outlook. The appeal scheme would consequently fail to accord with Policy LP2 of the Wandsworth Local Plan 2023-2038 (LP). This policy, amongst other matters, seeks to ensure that new development does not adversely impact the amenity of existing and future occupiers of neighbouring properties, and does not appear overly dominant.

Living conditions- privacy

9. The rear elevation of the appellant's property includes a number of first and second floor windows which serve a bathroom, a staircase and a bedroom. The appeal scheme would bring the proposed built form closer to the rear boundaries shared with 12 and 14 Fullerton Road. The rear elevation of the new extensions would include windows serving habitable rooms both at first and second floor levels.
10. While existing windows are already looking towards No's 12 and 14, the proposed windows would enable the occupiers of the appeal property to overlook the garden and rear facing windows of these properties, from a much more modest distance. The appeal property lies within a dense urban context, but the effect of the development would be to notably reduce existing separation distance, leading to a harmful loss of privacy to the garden and rear living spaces of No's 12 and 14, to the detriment of their enjoyment of their private outdoor space.
11. A previously approved application at the appeal site is cited in support of the appeal, with regards to impact on privacy. However, that scheme was for a first-floor extension only and is not comparable with the scheme before me which introduces more scope for overlooking.
12. The appellant has submitted a plan showing more limited separation distances between other properties along Tonsley Hill and Fullerton Road. However, I have little information relating to the particular circumstances of these developments and whether the circumstances are comparable to the appeal proposal. In any

case, the presence of apparently similar developments is not a reason, on its own, to allow unacceptable development. I have outlined my reasoning regarding the effect on privacy above.

13. The appellant outlines how there is no place on No.46 where one can stand next to the proposed extensions, therefore the two-storey wall argument is not valid. However, the inability to physically stand directly next to the extensions does not diminish or justify the harm that I have identified above.
14. For the above reasons, the proposed scheme would cause unacceptable harm to the living conditions of the occupiers of No's 12 and 14 Fullerton Road, having particular regard to privacy. Accordingly, it would conflict with the aims of LP Policy LP2. Amongst other things, this policy seeks to avoid unacceptable levels of overlooking.

Character and appearance

15. The appeal site relates to a mid-terrace three storey property in a residential area of Wandsworth. The host property forms one of a pair of terrace properties which differ slightly from surrounding residential properties in that they benefit from the inclusion of a basement and a double pitched mansard roof. Most other properties along the road are two storeys, and some have dormer roof windows to allow for accommodation in the roof. There is a relatively dense urban grain along Tonsley Hill and most properties in the area include rear extensions.
16. The proposed development would result in the creation of a front and rear mansard roof extension, and a two-storey extension above part of the existing single storey back addition. As previously noted, the Council's concerns are regarding the first and second floor rear extension.
17. The first-floor extension would be set back from the rear elevation of the ground floor extension, and the second-floor extension would be further staggered back. The roof of the second-floor extension would also be set down from the main ridge of the dwelling, ensuring subservience to the main property.
18. Whilst I accept that No.46 does not benefit from any first or second floor rear extensions, there are numerous other sets of pairs of dwellings along Tonsley Hill which differ in their form to the rear. Some properties have second floor extensions whilst others have first floor extensions. Therefore, whilst I do accept that the proposal would result in differences in scale and form between the appeal property and No.46, the proposed extensions would be viewed in the context of numerous other rear extensions within the area. As a result, the proposed extension would be in keeping with the varied character and appearance of rear elevations in the area.
19. The proposed rear extensions would also be minimally visible from Tonsley Hill given their positioning to the rear of the property and set down from the main ridge. They would be partially screened by other existing rear extensions and therefore minimally visible when viewed from Tonsley Place.
20. For the reasons above, I conclude that the proposed first and second floor extensions would be in keeping with and complement the character and appearance of host property and surrounding area. The proposal is in accordance with Policies LP1 and LP5 of the LP. Collectively, amongst other matters, these

policies seek to ensure high quality design that relates positively to the prevailing local character.

Other Matters

21. I acknowledge the recently refused scheme (Ref:2022/4109) which was upheld at appeal. However, this scheme was assessed under a different local plan context by the Council. In any case, whilst I accept that the proposals are a reduced scheme, for the reasons set out it remains unacceptable.
22. The appellant references other approved schemes at 30, 32 and 34 Tonsley Hill, outlining how these applications set precedents for extensions. Regarding the scheme at No.30, the rear dormer window serves a non-habitable room, and the second-floor bedroom does not benefit from a rear window, therefore reducing any overlooking of properties to the rear. Whilst there is a bedroom with a rear window at first floor level, the appeal scheme before me also proposes a rear window at second floor level and therefore there are more opportunities for overlooking, in comparison to the scheme at No.30. Regarding impact on outlook to neighbouring occupiers, based on the evidence before me, I am unable to draw any meaningful comparisons regarding outlook between those developments and the appeal scheme.
23. Turning to the approved schemes at No's 32 and 34, whilst I do acknowledge that these allowed for first and second floor extensions, these were considered under a different local plan context, and I do not have details of this policy context before me. In any instance, whilst I do acknowledge the presence of these extensions, the circumstances in each proposal are likely to be different, and in any event the fact that apparently similar developments have been granted permission is not a reason, on its own, to allow unacceptable development. I have considered the appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above. Regarding impact on outlook, given these properties are a pair of dwellings and submitted similar applications, any impact on outlook is likely to have been minimised.
24. The appellant suggests a number of other schemes in the nearby area set precedents for extensions. 12, 16, 18 and 28 Fullerton Road and 38 and 40 Tonsley Hill are listed. However, I am not fully able to assess the impact on living conditions of neighbours from the photos provided by the appellant and have no further information relating to these schemes. I am therefore unable to draw any meaningful comparison between these extensions and the appeal proposal.
25. The appeal site is not listed or located in a Conservation Area. There are also no protected trees on the site and the proposal is in general conformity with LP Policy LP2 in respect of light to neighbouring properties, as outlined by the Council in their case officer report. The proposal may comply with building regulations part M. However, these are not factors which weigh in favour of allowing the appeal and do not diminish the harm that I have found on the main issues.
26. The proposed development would be in keeping with and complement the host property and surrounding area. Proposed materials would also reflect local character, and the scheme would ensure energy efficiency through well insulated floors, roofs and walls. However, these benefits do not outweigh the harm that I have identified above.

27. I acknowledge the appellant's concerns over the Council's handling of the application. However, this is not a matter that I can consider under a Section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

Conclusion

28. Notwithstanding my favourable findings with regard to character and appearance and compliance with the associated criteria of related policies, the harm that would be caused to the living conditions of neighbouring residents, and the resulting conflict with the development plan are such that the proposed scheme would not comply with the development plan considered as a whole. As no material considerations outweigh this finding, the appeal should be dismissed.

S Burch

INSPECTOR