



Appeal Decision

Site visit made on 4 June 2025

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1ST July 2025

Appeal Ref: APP/H5960/W/25/3359454

842 Garratt Lane, Wandsworth, London SW17 0NA

- 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 Shan Mir (AKS Property Rentals Ltd) against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref is 2024/1555.
 - The development is described as a part retrospective / proposal for the use of the existing flat roof as external amenity / balcony for rear facing first and second floor flats.
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Decision

1. The appeal is allowed and planning permission is granted for part retrospective / proposal for the use of the existing flat roof as an external amenity / balcony for rear facing first and second floor flats at 842 Garratt Lane, Wandsworth, London SW17 0NA in accordance with the terms of the application Ref 2024/1555 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing no's: 043-3-12 and 043-3-13.
 - 2) The external materials of the development hereby permitted shall match those used in the existing building.
 - 3) Within six months of the date of this decision, obscure glazed screening to both sides and to the rear of the terraces at first and second floor level at a minimum height of 1.7m above finished floor level shall be installed. Details of the type of obscured glazed screening shall be submitted to and approved in writing by the Local Planning Authority (LPA) before the screening is installed and once installed the screening shall be retained as such thereafter.

Preliminary Matter

2. At the time of my visit, the external amenity areas were in place although it is proposed to replace the clear balustrade with a 1.7m high obscure glazed screen. For clarity, I have considered the appeal proposal based on the submitted plans.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the host building and the area;

- the effect of the proposed development on the living conditions of neighbouring residential occupiers with regard to privacy, outlook and noise and disturbance; and,
- whether the proposed development would provide satisfactory accommodation for its future occupants, with regard to private amenity space provision and outlook.

Reasons

Character and appearance

4. The appeal property is an end terrace building located on the corner of Garratt Lane and Fairlight Road. The surrounding area comprises of buildings that vary from two to four storeys. This varying scale, as well as the differing age and style of properties provides the area with a diverse character.
5. The roof terraces subject of this appeal would be clearly visible from Fairlight Road and surrounding properties. Although roof terraces are not a local feature along the rear of this terrace at first floor level, there are projecting balconies in the immediate vicinity of the appeal site on the opposite side of Fairlight Road. Whilst these balconies and other referenced roof terraces would have been considered on their own particular merits, elevated amenity areas are nevertheless a feature of the area, and the proposal would not appear discordant in this setting.
6. The roof terrace at first floor level would have a 1.7m screen that would result in this part of the proposal having an overall height of around 4.55m. This would still however be lower than the upper part of the first-floor windows, and the circa 1.2m-1.3m projection from the rear elevation would not be unduly long. Although it would be sited on the flat roof of a ground floor element of the appeal building, its size and positioning would ensure it appropriately integrates with the host building.
7. The second-floor roof terrace would at 9.9sqm have a larger area and be in a more elevated position than that at first-floor level. The setback from the rear and side elevations would be small, and the screen would project forward of the side roof slope. Despite this, the glazed screen would have a lightweight appearance, and it would not thus appear as an intrusive addition.
8. I therefore conclude that the appeal development would not have an unacceptable adverse impact on the character and appearance of the host building or the area. As such, it would be compliant with Policies LP1 and LP5 of the Wandsworth Local Plan 2023-2038 (Local Plan), which seek, amongst other matters, high quality design that relates positively to the prevailing local character. It would also comply with the Housing Supplementary Planning Document (SPD), which seeks sensitively designed roof terraces.

Living conditions – neighbouring occupiers

9. The roof terraces would be enclosed by a 1.7m obscure glazed screen that would limit overlooking of surrounding residential properties. Although the presence of such terraces may give rise to some perception of overlooking, having regard to the position and layout of the roof terraces, with their shorter lengths along the boundary with the neighbouring property at No. 840 as well as the aforementioned screening, I do not consider that there would be any material harm arising from any such perception. For the occupants of the lower-level flats to the respective

roof terrace above, given the presence of existing balconies at 844-860 Garratt Lane that directly face these flats across Fairlight Road, I do not find harm from the perception of overlooking in this context.

10. In relation to outlook, No. 2 Fairlight Road only has one ground floor obscure glazed window on its main side elevation facing the appeal site. Although there are other windows on this neighbouring property's side elevation, they are further back on the rear outrigger and would not directly face the roof terraces proposed. As such and given the lightweight glazed form of the screening around the terraces, they would not give rise to an overt sense of overbearing to neighbouring residential occupiers.
11. Whilst the use of the proposed external spaces would inevitably generate some noise in close proximity to neighbouring properties, such activity would not be dissimilar to the use of nearby rear garden areas. Both roof terraces are not of a size that would allow for large gatherings, and despite them being in elevated positions, there would not therefore be any harmful noise disturbance arising.
12. Given the above, I conclude that the appeal development would not have an unacceptable adverse impact on the living conditions of the occupiers of neighbouring properties with regard to privacy, outlook and noise and disturbance. As such, it would comply with Local Plan Policies LP2 and LP27 and the SPD, which seek, amongst other matters, for development proposals to not adversely impact the amenity of existing occupiers.

Living conditions – future occupiers

13. The first-floor roof terrace would have a projection of only around 1.2m-1.3m, and this would fail to meet the 1.5m minimum size set out in The London Plan. This difference is however small, and given the generous width of the terraces, which would exceed the minimum for private outside space in The London Plan, the proposed development would make satisfactory provision in this regard.
14. The 1.7m high screen would be close to the glazed doors and window on the rear elevation of the first-floor flat, but the room would also be served by another window on the side elevation which would ensure that the level of outlook is not significantly constrained for future occupiers.
15. I therefore conclude that the proposed development would provide satisfactory accommodation for its future occupants, with regard to private amenity space provision and outlook. Although a proposed terrace would be contrary to specific minimum size requirements set out in Policy D6 of The London Plan, it would not conflict with the aims of this policy which include the provision of private outdoor space that offers good amenity. The proposal would also comply with Local Plan Policies LP2 and LP27 and the SPD, which seek, amongst other matters, development that does not adversely impact the amenity of future occupiers.

Other Matters

16. I note the comparison by the Council to a previously approved smaller second floor terrace, but I have determined this appeal accordingly on its own merits. Reference has also been made to roof terraces on other sites that have been dismissed at appeal. From the information available, the circumstances of each of the referenced cases differed from the proposed development before me in terms

of the size and siting of the respective proposal, the relationship of those terraces to neighbouring properties and the prevailing character of the area. As such, the referenced appeal decisions are not therefore comparable to the appeal before me.

17. I note the concerns in relation to additional items on the terraces such as furnishings or plants causing a loss of light. Given the size of the terraces, and that each one would serve a modestly sized flat, I do not consider the size and type of typical domestic paraphernalia would give rise to a materially harmful loss of light to neighbouring occupiers.

Conditions

18. A number of planning conditions have been suggested. The wording of some of the suggested conditions have been amended in the interests of conciseness and enforceability.
19. I have imposed a condition requiring compliance with the approved plans and a condition to secure the obscure glazed screening around the terraces in the interests of the living conditions of surrounding residential occupiers. As the terraces are already in place, the condition will require the installation of the screening within 6 months, which would allow for the type of obscure glazing to be submitted to and agreed with the LPA.
20. As the development has already commenced, the suggested commencement condition is not necessary.

Conclusion

21. The proposal would accord with the development plan as a whole, and there are no other considerations, including the National Planning Policy Framework, that indicate that I should take a decision other than in accordance with this. I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR