



Appeal Decision

Site visit made on 14 October 2025

by **SE Hughes BA (Hons) PGDip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 November 2025

Appeal Ref: APP/H5960/W/24/3343540

3 Rush Hill Road, London SW11 5NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms Katherine Young against the London Borough of Wandsworth.
 - The application Ref is 2023/4695.
 - The development proposed is the erection of a second floor rear roof addition to provide a bedroom.
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Decision

1. The appeal is dismissed and planning permission for the erection of a second floor rear roof addition to provide a bedroom is refused.

Preliminary Matters

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. The Council has indicated that had it been able to issue a decision, it would have refused permission for the development on the grounds that its siting, scale and design would result in an unneighbourly form of development that would harm the living conditions of a habitable room of 3 Rush Hill Road, in the form of a loss of outlook, by being overbearing and creating an increased sense of enclosure, and through reductions in daylight.
3. I note that during the application the Council sought revisions to the plans to correct draughting errors. The Council maintains concern as to the accuracy of the plans. From the evidence before me, the plans show approximately 0.79m between the existing first floor rear window in the rear elevation and the existing extension. However, from what I saw on my visit, the separation distance is much less, approximately 20cm, the width of the gutter. Nevertheless, for the purposes of the appeal, I have based my decision upon the plans before me.

Main Issue

4. The Council has not raised any objections to the proposed development in terms of its effect on the character and appearance of the area. Based on the evidence before me, and my observations at the site visit, I have no reason to take a different view. I therefore consider the main issue to be the effect of the proposed rear extension on the living conditions of the occupier/s of 3A Rush Hill Road, with particular regard to outlook, sunlight and daylight.

Reasons

5. The appeal property is a three storey, mid terraced house which has been

subdivided into two maisonettes. Flat A is on the ground and first floor, and Flat B is on the second and third floor. To the rear of the property is an existing two storey extension, with a lean-to roof. The proposed development would raise the height of the existing extension by one storey, incorporating a flat roof with a 70-degree slate clad slope to the side elevation. This would provide an additional bedroom for Flat 3B.

6. With regard to the matter of outlook, the appeal proposal would raise the height of the vertical wall of the property's existing extension to the lintel level of a first floor window in the rear elevation, with its new flat roof approximately 2.3m above the top of the window. The first floor window serves a bedroom for Flat A. It is already flanked on the opposite side by a vertical wall of approximately the same height as the vertical wall of the proposed addition. By virtue of its similar height and close proximity, the proposed development would significantly increase the sense of enclosure from the first floor rear window, such that the extension would constitute an overbearing and oppressive feature, detrimentally affecting the living conditions of the neighbouring occupiers of Flat A.
7. With regard to the issue of sunlight and daylight, I note that no detailed sunlight/daylight assessment was submitted as part of the planning application. I also note that based upon an 'initial BRE daylight sunlight assessment' as described in the Council's Officer Report, the Council considers that the extension would likely result in harm to the occupier/s of the first floor bedroom serving Flat 3A, through a loss of daylight.
8. However, in the absence of a detailed sunlight/daylight assessment, or detailed annotated plans and evidence in this regard, I cannot be certain that the proposed development would cause harm to the living conditions of Flat 3A due to a loss of daylight or sunlight. Nonetheless, I consider that my findings above in relation to outlook are sufficient to dismiss the appeal in its own right.
9. Accordingly, I conclude that the proposal would have an adverse impact on the living conditions of the occupier/s of 3A Rush Hill Road with particular reference to their outlook, contrary to policy LP2 of the Wandsworth Local Plan 2023-2038 which seeks to ensure that development is not overbearing as a result of its height, scale, massing and siting, including through a sense of enclosure.

Other Matters

10. The appellant emphasises the proposal would mirror the design of the second floor extension to the rear of the neighbouring property, 1 Rush Hill Road, therefore would be in keeping with the character and appearance of the area. However, compliance with the development plan in this respect is a neutral factor and while it does not weigh in the balance against the proposal, nor does it weigh in its favour.

Conclusion

11. For the reasons given above I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

SE Hughes

INSPECTOR