
Appeal Decision

Site visit made on 6 September 2013

by Julie Dale Clark BA (Hons) MCD DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 September 2013

Appeal Ref: APP/H5960/D/13/2199591
67 Blakenham Road, London SW17 8NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Naveed Akhtar against the decision of Wandsworth Council.
 - The application Ref 2012/5697, dated 5 December 2012, was refused by notice dated 28 February 2013.
 - The development proposed is 1st floor extension, building an extra floor above the ground floor existing building. And making alterations to the ground floor.
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Decision

1. The appeal is allowed and planning permission is granted for a 1st floor extension, building an extra floor above the ground floor existing building. And making alterations to the ground floor at 67 Blakenham Road, London SW17 8NZ in accordance with the terms of the application, Ref 2012/5697, dated 5 December 2012, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - Drawing Reference:- #000; 001; 002; 003; and 004.

Reasons

2. The appeal site seems to have had an unusual planning history in that its residential use has arisen from the use of a garage for residential accommodation which the Council now state is immune from any legal action. The existing accommodation is extremely substandard and the proposal would greatly improve it by adding another floor. However, the Council's sole reason for refusal is based on its assessment of the standard of the proposed living accommodation.
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3. Whilst the property would have a single aspect towards the street, other properties in Blakenham Road also have window's directly facing the street although it is unlikely that this is their only aspect. The Council has raised no issues regarding the standard of room sizes.
4. DMPD¹ Policy DMS 1 sets out general principles for development and amongst other things, indicates that the amenity of future occupiers are not harmed in terms of outlook, privacy or daylight. DMPD Policy DMH 4 relates to residential development and sets out a list of criteria which should be satisfied including a requirement for a satisfactory environment for housing.
5. The extension would include the loss of an external patio area but I consider this to have little value in terms of amenity space as it is very small and enclosed on four sides by tall walls. The existing accommodation is basic and the proposal would upgrade it considerably. I have considered the advice in the Council's SPD² and whilst the single aspect north facing accommodation is not ideal it would be an improvement on the existing arrangement.
6. The Council have raised no other issues but I note the comments from a neighbouring property. These do not alter my conclusion. Taking all matters raised into consideration, on balance, I do not consider that future occupiers of this property would suffer undue harm due to loss of privacy or disturbance from activity on the street. Although the property would not have any outdoor amenity space, given the limited provision currently available this matter does not override the other benefits of improving this accommodation that would arise as a result of this proposal.
7. I therefore conclude that the living conditions of future occupiers of this property would not be harmed and no conflict with the objectives of the policies referred to would arise.
8. In addition to the standard time limit condition the Council only suggest a condition relating to materials which I agree satisfies the advice in Circular 11/95³ and is necessary to ensure a satisfactory appearance. Also, otherwise as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I impose a condition accordingly.

J D Clark

INSPECTOR

¹ Wandsworth Local Development Framework Development Management Policies Document, Adopted February 2012.

² Wandsworth Local Plan Supplementary Planning Document Housing, Adopted December 2012.

³ Circular 11/95 The use of conditions in planning permissions.