
Appeal Decision

Site visit made on 4 April 2016

by Jonathan Price BA(Hons) DipTP MRTPI DMS

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

Decision date: 10 May 2016

Appeal Ref: APP/H5960/W/16/3143813

45 Lavender Gardens, London SW11 1DJ

- 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 Nick Smith against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2015/6243, dated 5 November 2015, was refused by notice dated 22 January 2016.
 - The development proposed is single storey rear extension and extension to existing basement with alterations and re-organisation to internal spaces.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of single-storey rear extensions and excavation to create enlarged basement including formation of front and rear light wells (with grille over) and internal alterations to create five self-contained flats at 45 Lavender Gardens, London SW11 1DJ in accordance with the terms of the application, Ref 2015/6243, dated 5 November 2015, 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 development hereby permitted shall be carried out in accordance with the following approved plans: 674.001A site plan, 674.101D, 674.102F, 674.103E, 674.106D, 674.107C.

Procedural Matters

2. Since the Council's decision on this matter the Wandsworth Local Plan Development Management Policies Document was adopted on 9 March 2016. The decision is based on this adopted plan.
3. Amended plans have been submitted with this appeal which would not prejudice the interests of any party. Therefore, this appeal has been determined on the basis of the changes these propose.
4. The decision uses the fuller description of the proposal taken from the Council's decision notice.

Main Issues

5. The main issues in this case are whether the proposal would maintain the level of residential units suitable for family accommodation, preserve or enhance the character or appearance of Clapham Common Conservation Area and provide
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for acceptable living conditions for future occupiers, with particular regard to internal space standards.

Reasons

Family accommodation

6. The proposed rear and basement extensions to this property would result in no net loss of units of suitably located, family-sized accommodation. The two proposed ground/basement level units provide more accommodation space than those replaced with both having access to outside space to the rear. Consequently, this proposal would satisfy the aims of Policy DHM2 of the Wandsworth Local Plan Development Management Policies Document (DMPD) adopted in March 2016.

Character and appearance of Clapham Common Conservation Area

7. The front garden depth is approximately 3m, reducing to about 2.25m where the bay windows project. The provision of the front light wells would leave at least 50 percent of the front garden space available for bicycle and bin storage and, through the amended plans, would be screened by the retained low front wall and existing tall front hedge.
8. DMPD Policy DMH5 permits proposals for front lightwell to existing residential properties provided at least 50 percent of the original front garden depth will remain, subject in conservation areas to a minimum of 2ms of garden usually being retained. This is clearly intended to provide Conservation Areas will protection over the effect that lightwells might have on character and appearance. Due to the short depth of the hardened area of front garden meeting this requirement would preclude the provision of a lightwell necessary to provide adequate daylight to the windows of the lower ground floor accommodation. However, in this proposal, the small front garden area would be screened behind a quite high hedge behind the low boundary wall. Consequently the front lightwells would result in no material harm to the character and appearance of the property.
9. The front façade of the building would remain unaltered and therefore the proposals would have a neutral effect on the street scene and succeed in preserving the character or appearance of the Conservation Area. The proposal would therefore satisfy the aims of DMPD Policies DHM5, DMS1 and DMS2.

Living conditions

10. The amended plans propose that Flat C becomes a 1-bedroom unit and therefore this proposal would satisfy the Nationally Described Space Standards for housing and the space standards in the Council's Housing Supplementary Planning Document¹. Consequently, as amended, all the flats proposed would provide acceptable living conditions for future occupants.

Other Matters

11. The neighbouring occupiers at No 43 Lavender Gardens raised concerns at the application stage over any potential structural damage, or the effect on the roots of plants in their garden, arising from the basement construction. These

¹ Wandsworth Local Plan Supplementary Planning Document Housing – adopted July 2015.

are matters outside of the planning considerations addressed in this appeal and can be left for the parties to respond to as necessary.

Conditions

12. Other than the standard time limit for commencement the development is subject to a condition that the development be carried out in accordance with the plans approved in the interests of certainty.

Conclusions

13. For the above reasons, having taking in account all other matters raised, I conclude that this appeal should be allowed.

Jonathan Price

INSPECTOR