

Appeal Decision

Site visit made on 20 September 2016

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 13 October 2016

Appeal Ref: APP/H5960/W/16/3154247

2 Umbria Street, London SW15 5DP

- 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 Charterfield Homes Limited against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/1829, dated 1 April 2016, was refused by notice dated 3 June 2016.
 - The development proposed is construction of new dwelling and boundary wall plus associated new landscaping, fencing and vehicle entrance gates requiring the demolition of an existing out building.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Included with the appeal are amended plans which reduce slightly the height and length of the dwelling compared to those upon which the Council's decision was based. Although of slightly lesser dimensions, the amendments are not substantially different from the plans considered by the Council. Having applied the 'Wheatcroft Principles'¹ it is concluded that the proposal is not so changed by these amendments that to grant permission would deprive those who should have been consulted on the changed development of the opportunity of such consultation. Consequently, this decision relates to the amended plans submitted with the appeal.

Main Issues

3. The main issues in this case are:
 - Whether the proposal would preserve or enhance the character or appearance of the Westmead Conservation Area.
 - The effect of the proposal on the living conditions of neighbouring residents, with particular regard to outlook and loss of light.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

Reasons

Character or appearance of the Westmead Conservation Area

4. The appeal relates to the northern part of the garden of a large, detached house located on a generous plot of land on Umbria Street, at its junction with Nepean Street. It is located within the Westmead Conservation Area which was designated on 24 May 1989 and covers an area of high quality, early to mid-20th Century housing set in good-sized, well-vegetated gardens. This site forms part of the first phase of this housing, built on the former Spencer Lodge Estate between around 1899-1915.
5. The housing here is a mixture of detached and semi-detached Edwardian houses, displaying a consistency of style, quite closely arranged in rectangular plots and set back from the street with large back gardens. No 2 Umbria Street, like just a few of the other properties in the Spencer Lodge Estate part of the Conservation Area, retains large garden spaces, which are to its north and west sides. As noted in the Westmead Conservation Area Appraisal² (WCAA) these spaces provide welcome breaks in the continuum of buildings and make a particular contribution to the suburban character of the area.
6. The northern boundary to No 2 marks the extent of this part of the Conservation Area, beyond which there is a recently completed development of good quality, higher density three-storey town houses. The gable to the nearest of these new houses, at 7 Drury Close, closely abuts the northern boundary to No 2. Adjacent to this new house, and running alongside the northern part of the garden, is a single-storey brick former gardener's or groom's cottage which is a remaining part of the original Spencer Lodge estate.
7. The old cottage is occupied as separate accommodation, but of an ancillary nature, and has been extended toward the west to provide a swimming pool, which is no longer in use. The existing cottage is of a low profile and screened by the significant amount of trees and vegetation surrounding the main property. Whilst discreetly sited, it is of interest as a remnant of the former Spencer Lodge development.
8. The significance of the appeal site is that it forms part of the generous side garden to a substantial and imposing detached corner house and contributes to the spacious, verdant character of this attractive area of Edwardian suburban housing and conceals an interesting historic relic of the former estate.
9. The simple, rectangular dwelling proposed in place of the cottage would be of an intrinsically good quality contemporary design, which would not be overly prominent in the street-scene or compete unsatisfactorily with the surrounding architecture. It would occupy the footprint of the old cottage and, whilst not extending so far west, would be a taller, wider and overall bulkier building. Whilst assessed in the arboricultural report as of low quality or value the trees removed to accommodate the new house would involve the loss of screening and open up the site to views from Nepean Street.
10. The proposal would affect the Conservation Area by removing a building which, whilst inconspicuous and well-screened and having been unsympathetically altered, nonetheless retains much of its former interest as a relic of the former Spencer Lodge. Although the existing building is of modest historical value,

² Westmead Conservation Area Appraisal and Management Strategy – March 2010.

this would not lead me to conclude that its replacement with a larger, modern dwelling would serve to either preserve or enhance the character or appearance of this area.

11. The replacement of the existing building, based on the relative footprints, would not enhance the Conservation Area by bringing a net increase in open garden area. This is because the effect of a bulkier, higher building, with its associated walled curtilage, parking and associated domestic paraphernalia, coupled with the removal of trees, would have a substantially greater impact of the openness of this area compared to the status quo. Notwithstanding the landscaping measures proposed, the replacement of an inconspicuous, low-level building by a more substantial dwelling would erode an area of verdant open space which currently contributes positively to the character and appearance of the Conservation Area.
12. Whilst of a good quality, low-profile contemporary design the new dwelling would occupy a confined plot of land and appear incongruous in the setting of the more spaciouly arranged, mainly traditional dwellings surrounding the site. That the site has frontage onto Nepean Road and is arguably of an infill nature would not alter the harm found.
13. For these reasons the proposal would fail to preserve or enhance the character or appearance of the Westmead Conservation Area. It would not comply with the aims of policies DMS 1 and DMS 2 of the Wandsworth Local Plan Development Management Policies Document of March 2016 (DMPD). These require new developments to contribute positively to local spatial character, sustaining and conserving the significance, appearance and character of heritage assets, taking full account of the WCAA.
14. The supporting text in paragraph 3.22 of the DMPD regards the development of back gardens as generally inappropriate and open spaces between buildings an integral part of the character and appearance of the Borough, especially important in conservation areas, where the contribution such spaces make is addressed in conservation area appraisals. The proposal would conflict with the aims of the WCAA, which refers to the particular contribution the large side gardens to No 2 make to the suburban character of this area, and to DMPD Policy DMH 4 which specifically excludes residential gardens in setting the criteria for permitting residential development.
15. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Considerable importance and weight should be given to any harm found when assessing the merits of any proposal, with the presumption being that preservation is desirable.
16. Whilst less than substantial, following paragraph 134 of the National Planning Policy Framework (the Framework), this harm should be weighed against the public benefits of the development. The Council's supply of housing is not dependent on the development of garden spaces and the contribution of one dwelling would be small. I can find no further public benefit that would outweigh the harm arising from what is proposed.
17. There is little similarity between this proposal and the two dwellings allowed within the Westmead Conservation Area between 6 and 8 Akehurst Street.

That site provides a significantly wider undeveloped frontage which accommodates an infill development of two large detached dwellings of a design and position which reflect the character of the frontage housing along that street. That decision would not provide a precedent offering any material level of support to this proposal, which is of a significantly different nature.

Living conditions of neighbouring residents in Drury Close

18. Consideration has been given to the concerns raised by interested parties, at both the application and appeal stages, in respect of this proposal resulting in harm to living conditions due to the reduction to light received to the adjacent garden areas in both Drury Close and also in nearby Holford Way. The concerns also relate to the harmful effects on living conditions due to the change in character of the area resulting from the loss of greenery and the introduction of a larger dwelling to replace the existing cottage.
19. The Council's decision refers particularly to the effects on the living conditions at No 7 Drury Close, immediately adjacent and to the north of the new dwelling. I have had regard to the Council's view that the proposal would harm the living conditions of occupiers at No 7, due to overshadowing and having an overbearing impact, but that other neighbouring dwellings would be set back a sufficient distance not to be caused unacceptable harm.
20. The application was supported by a daylight and sunlight assessment³. This modelled the change in daylight to neighbouring windows and gardens arising from this proposal and found that the adjacent house windows and gardens would remain adequately lit, based on the criteria in established national guidance⁴.
21. I accept that the immediately neighbouring dwelling at No 7, and consequently those further away, would retain adequate light to rear gardens and windows based on these established criteria. The profile of the new dwelling would not be such that it would detract materially from the outlook from any adjacent dwelling such as to harm living conditions by having an over-bearing effect. There would be potential for a new family-sized home here to result in increased noise and disturbance, due to general domestic activity in areas adjacent to the quieter rear parts of neighbouring gardens, but this would be no greater than might reasonably be expected within a built-up residential area.
22. Consequently, I find that there would be no further harm arising from this proposal as a consequence of it having a materially adverse effect upon the living conditions of neighbouring occupiers. The proposal would therefore comply with the criterion in DMPD Policy DMS 1 that developments do not harm the amenity of occupiers of nearby properties. However, the lack of harm in this regard would not outweigh that found in respect of the character and appearance of the Conservation Area.

Conclusion

23. Whilst of a good quality contemporary design, intended to minimise visual impact and respond to the neighbouring housing, this proposal would appear cramped and incongruous in the context of the more spacious Edwardian

³ Daylight and Sunlight Assessment – Land r/o 2 Umbria St. – SHGL March 2016.

⁴ Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice - BRE 2011 and BS 8206: Part 2: Lighting for Buildings – Code of Practice for Daylighting

housing, erode the open suburban character of this area and involve the loss of a discreet building of some historical interest. Consequently, it would fail to preserve the character and appearance of the Westmead Conservation Area and, having taken into account all other matters raised, I conclude that this appeal should be dismissed.

Jonathan Price

INSPECTOR