

Appeal Decision

Site visit made on 4 October 2016

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 28 November 2016

Appeal Ref: APP/H5960/W/16/3154271

The Prince of Wales, 186 Battersea Bridge Road, Wandsworth, London SW11 3AE

- 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 Tom Ainsleigh Jones on behalf of Parsons Green Land Ltd. against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/0608, dated 1 February 2016, was refused by notice dated 12 April 2016.
 - The development proposed is extension of existing building above ground level and development of former beer garden to form 5 no. 1-2 bed residential dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposal on the:
 - Character and appearance of the host property and Battersea Park Conservation Area;
 - Living conditions of future occupiers, with particular regard to outlook, external amenity space and service provision;
 - Living conditions of neighbouring occupiers, with particular regard to outlook and privacy;

Reasons

Character and appearance

3. The former Prince of Wales Public House is a locally listed building and therefore considered to be an undesignated heritage asset. It occupies a prominent corner location on Battersea Bridge Road and within Battersea Park Conservation Area, which is a designated heritage asset. The former Public House is recognised within Battersea Park Conservation Area Appraisal and Management Strategy (Conservation Area Appraisal) as making a positive contribution to the Conservation Area.
 4. I consider its significance as an undesignated heritage asset is derived from its architectural detailing and distinctive form which is typical of a Victorian corner public house, as well as its scale and prominence which provides a point of
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focus on the corner of Battersea Bridge Road and Prince of Wales Drive. Its significance is similarly recognised in the Heritage Statement¹ which accompanied the original planning application. I would consider the property to be a Landmark Building within the street scene.

5. The property's single storey projection would have formed part of the public house's saloon bar and it is an integral design characteristic of the original building. Furthermore, the absence of development above it reinforces the scale and prominence of the three storey element of this corner building. Whilst I recognise that the proposed first and second floor addition have been designed to appear subservient to the host property, the mere presence of the proposed extension in this location would detract from the original design characteristics of the host property and erode its distinct visual qualities. Furthermore, the scale of the extension is such that it would diminish the dominance of the property's 3-storey element which contributes to its prominence on the street. Consequently, for these reasons its significance as an undesignated heritage asset would be harmed.
6. The appeal proposal would introduce a new three-storey building onto the land immediately to the south of the former public house which was last in use as its beer garden. The Council consider that this open land is of value to the character and appearance of the Conservation Area and contributes to the setting of the former public house by affording a clear break between it and the adjacent terrace. I understand the Council's concern that the appeal proposal would harm the character and appearance of the Conservation Area, and diminish the significance of the adjacent locally listed building; however I believe it is the scale and design of the proposed building which is harmful. The current absence of development above the single storey element of the former public house in itself provides a visual break and reinforces the dominance of this landmark building. It is my view that the absence of development on this former beer garden has a neutral impact on the character and appearance of Battersea Park Conservation Area and the host property.
7. The proposed three-storey building would abut a simple pair of Victorian cottages which in turn adjoin a much longer terrace of similar properties fronting onto the western side of Battersea Bridge Road. These properties display a distinct rhythm which is derived from their generally uniform design and detailing. As a whole these properties form an attractive and harmonious group which contribute significantly to the character and appearance of Battersea Park Conservation Area.
8. I have had regard to the appellant's design rationale to introduce a building which is a contemporary interpretation of classical Georgian residential architecture. However, the overall scale and form of the proposed building would dominate the adjoining cottages, and its grandiose design would diminish the dominant form the former public house. Consequently, the proposal would not sit comfortably within the street scene and would appear incongruous in a street which is generally characterised by simple terraced properties whose uniform vernacular appearance contribute significantly to the character and appearance of Battersea Park Conservation Area.
9. I conclude that the appeal proposal would cause significant harm to the character and appearance of the host property and Battersea Park

¹ Heritage Statement, Prepared by Le Lay Architects, January 2016.

Conservation Area. It would cause less than substantial harm to the Conservation Area as a heritage asset. The harm is not outweighed by any public benefits, including the contribution that five new residential units would make to housing supply within the Borough. The proposal is therefore contrary to policies in the National Planning Policy Framework which seek to conserve and enhance the historic environment and conflicts with Policies DMS1 and DMS2 of the Wandsworth Local Plan Development Management Policies Document, 2016 (DPD) which seek to ensure, amongst other criteria, that new development is of a scale, mass and appearance that contributes positively to local spatial character and conserves the significance, appearance, character and setting of the heritage asset and surrounding historic environment. I also find conflict with the Conservation Area Appraisal which aims to protect buildings which make a positive contribution to the character of the conservation area and ensure that new buildings respect the scale, mass, height, quality and visual interest of the positive buildings around it so that the positive aspects of the street scene can be maintained or repaired.

Living Conditions of future occupiers

10. The proposed ground floor and basement of the new building would comprise two duplex 2 bedroom units. Although I accept that the accommodation could be flexible in terms of its layout, the appeal proposals show that the bedrooms would be provided at ground floor level with the living/kitchen and dining area provided in a single room at basement level. The basement accommodation for each unit would be lit by small lightwells at the front of the building, and to the rear there would be French style doors opening onto a small amenity area also contained within a lightwell.
11. With the exception of the ground floor front bedroom window, which would have a clear view of the street, the outlook for the remainder of the accommodation would be either towards the enclosing walls of the proposed lightwells, or the boundary wall at the rear of the site. In each of these cases the outlook would be restricted to 1 -2 metres. Given the height and proximity of the rear boundary wall at basement level, there would also be no sky view from the kitchen/dining area and only a limited view of the sky through the front lightwell. Moreover, each duplex unit would have only a limited external amenity area which would be located at basement level and surrounded by high enclosing walls, thereby giving future occupiers the impression that they were at the bottom of a well. The restricted outlook, when taken together with the limited and oppressive external amenity space available would not to my mind provide satisfactory living conditions for future occupiers of these duplex units.
12. Furthermore, the proposed two-bedroom flat above the former public house would have no external amenity space available to its future occupiers, whilst the duplex units within the upper floors of the new building would only have small balconies. The external space proposed for all of the residential accommodation falls below the minimum 10 sq ms standard required by Policy DMH7 of the DPD for 1 and 2 bedroom dwellings. I have had regard to the proximity of the appeal site to Battersea Park and I have had regard to the provisions of Policy DMH7 which notes that satisfactory external amenity space in conversions may be difficult to achieve. However, in this case the appeal proposal is for five new build residential units, all of which would have less than the minimum required standard for external amenity space. This is a clear

under provision of external amenity space for new build residential units and would not in my view provide satisfactory living conditions for future occupiers.

13. The limited external space proposed within the site as a whole also restricts the ability to provide suitable cycle storage facilities for future occupiers. Whilst the appellant has provided a revised plan as part of the appeal submission to demonstrate how cycle and waste storage could be accommodated within the site, the proposals in terms of cycle storage fall short of Council's requirements as set out in Policy DMT2 of the DPD. I agree with the Council that to provide storage areas within the buildings for foldable bikes is not a satisfactory solution, and it would not adequately serve the needs of all future occupiers. However, I am satisfied that it has been demonstrated that adequate provision could be made for the storage of waste and recycling facilities within the site. Furthermore it would be reasonable for the waste storage proposals to be agreed through a condition requiring their approval prior to the occupation of the units.
14. Although I have found that the proposals would provide suitable waste storage facilities within the site, I have found that the proposed development would have a harmful effect on the living conditions of future occupiers, with particular regard to outlook, external amenity space and cycle storage provision. I therefore find conflict with Policies DMS1, DMS4, DMS7 and DMT2 of the DPD which seek, amongst other things, to ensure that new development does not harm the amenity of occupiers/users through unsatisfactory outlook, and includes adequate outdoor amenity space and cycle storage facilities.

Living conditions of existing occupiers

15. The proposed new building would infill the space between the host property and No 188 Battersea Bridge Road. It would not extend beyond the rear elevation of No 188 and the windows in the flank wall of 188's rear outrigger would not be obstructed. The appeal site currently affords the occupiers of neighbouring residential properties on Battersea Bridge Road and Surrey Lane a relatively open aspect with views across the site. The proposed development would however be generally aligned with No 188 and the host property, and therefore although views across the site would no longer be available, I do not consider that the appeal proposal would have an unduly overbearing impact on neighbouring occupiers.
16. There would be habitable room windows and balconies contained within the rear elevation of the proposed development which would provide some opportunities to view the rear garden areas and roof terraces of neighbouring properties. From my inspection of the site I noted that the seating area within the roof terrace at No 7 Surrey Lane is relatively enclosed and would not be directly overlooked by the proposed development. It is not unusual for there to be some mutual overlooking of rear garden areas within high density locations such as this, and I do not consider that the proposed development would result in any material loss of privacy to neighbouring residents.
17. I conclude that the appeal proposal would not have a harmful effect on the living conditions of neighbouring occupiers, with particular regard to outlook and privacy. Accordingly I find no conflict with Policy DMS1 of the DPD which seeks to ensure, amongst other things, that new development does not harm the amenity of occupiers/users or neighbours through unsatisfactory outlook and privacy.

Conclusion

18. Although I have found that the appeal proposal would not harm the living conditions of neighbouring occupiers, I have found that it would cause significant and demonstrable harm to the character and appearance of the host property and Battersea Park Conservation Area. I have also found harm to the living conditions of future occupiers. Therefore, for the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR