
Appeal Decision

Site visit made on 1 February 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 24 February 2017

Appeal Ref: APP/H5960/W/16/3161387

29 Trinity Crescent, Wandsworth, London, SW17 7AG

- 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 Astralview Ltd against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2015/7068, dated 3 December 2015, was refused by notice dated 28 April 2016.
 - The development proposed is infill house to small triangular wedge of land set behind brick wall to street.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the dwelling on the character and appearance of the area, with particular regard to trees.

Reasons

3. The dwelling would be positioned on a piece of land that is currently used as communal residential garden for the existing flats. This would result in the loss of an area of communal space. I appreciate that there are other spaces around the building that would be available for use by existing occupiers and that its loss would not take the on-site provision below the applicable standard. However, the addition of further built form in this space would not have any physical or visual affinity with the large flat blocks with space around them or the two storey frontage development also present in Trinity Crescent.
 4. The scale and massing of the buildings along Trinity Crescent is varied. The new dwelling would be positioned between two substantial buildings. As such taken alone its single storey scale would not stand out. Nevertheless, the nearby mansion house blocks and the existing flats generally have space around them. This contributes to their setting within the wider street scene.
 5. There are a number of mature trees located outside of but directly adjacent to one site boundary. The pleasant setting of the road is enhanced by the presence of soft landscape features. The trees are visible within the street scene from a number of perspectives and have a high amenity value. As such, whilst not covered by a tree preservation order, they contribute significantly to the character and appearance of the area.
-

6. All of the trees are shown to be retained on the submitted plans. The appellant has undertaken appropriate tree survey work. This identifies that the dwelling could be constructed using an appropriate method to protect any tree roots. It also suggests that there would be some tipping back of some trees and removal of lower limbs in some cases. There is no dispute that these works would not harm the overall health of the trees.
7. I understand that it may well be technically possible to construct the dwelling without harm to the trees and that a method statement has been provided. I also appreciate that there may previously have been a building on site. Nevertheless the new dwelling would be in close proximity to the site boundary and the trees. It would also be behind the 2.9m wall shown on the drawings. The plans show that the dwelling would be configured to maximise the site area available. As a result the layout of the dwelling uses an internal courtyard and high level window to provide light to the bedroom. A roof light would be provided for the main living area. Overall, the site constrains the layout and consequently the ability to provide natural light to the dwelling.
8. I appreciate that some reduction of the trees could take place without harm. However, even accepting this could be undertaken, they are likely to impact on light levels into the building. In particular the courtyard area and therefore the bedroom area. Over time this proximity would lead to pressure to lop or fell the trees. Should this occur the contribution that the trees do and could continue to make to the character and appearance of the area would be diminished.
9. I therefore conclude that the proposal would harm the character and appearance of the area, with particular regard to trees. It would be in conflict with Development Management Policies DMS1, DMH4, DM05 and Housing SPD in so far as they require new residential development to achieve adequate daylight to habitable rooms and provide measures that protect the health and visual amenity of trees. It would also be in conflict with the National Planning Policy Framework which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

10. The appellant submits that this would be a positive use of an underused area of the site and that the freeholder is committed to the building. Further I note that the site is in an area generally suitable for housing. However, none of these matters alters or outweighs my finding on the main issue.

Conclusion

11. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

D J Board

INSPECTOR