
Appeal Decision

Site visit made on 15 February 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 15th March 2017

Appeal Ref: APP/H5960/W/16/3163991
25 West Hill Road, London SW18 1LL

- 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 Gladstone Court Management Limited against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/2724, dated 12 May 2016, was refused by notice dated 20 October 2016.
 - The development proposed is demolition of existing dwelling and construction of 4 dwellings with associated access and parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has invited me to take account of possible amendments to the development it raised with the Council prior to the application's determination. Some information relating to those amendments has been included with the appeal. The Council has submitted that it did receive some amended details and it considered that those revisions went beyond the scope of the originally submitted application and it therefore did not consult with the public on them prior to the application's determination.
3. As the amended details have not been the subject of public consultation, I share the Council's view that for me to consider them would be contrary to the Wheatcroft principles¹. That is because the occupiers of neighbouring properties could be disadvantaged as they have not had the opportunity to comment on the suggested amendments. Following the application's determination by the Council, a fresh application could have been submitted by the appellant as an alternative to an appeal being made, in line with the guidance published by the Planning Inspectorate². I have therefore only had regard to the plans that formed the basis of the decision made by the Council.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the site and the area;

¹ Bernard Wheatcroft Limited v Secretary of State for the Environment and Another [1980]

² Annex E of the 'Procedural Guide Planning Appeals – England' August 2016

- the effect of the development on the living conditions of the occupiers of 19 and 31 West Hill Road (Nos 19 and 31), with particular regard to outlook and light;
- the effect of the development on driver and pedestrian safety; and
- whether the development would provide an appropriate amount of on-site car parking.

Reasons

Character and Appearance

5. The development would involve the demolition of the existing house at 25 West Hill Road (No 25) and the construction of four houses (units 1 to 4), which would have four floors of accommodation, including basements.
6. No 25 is a large house within a comparatively extensive plot for West Hill Road and it occupies a fairly prominent position within this street, given its siting on the inside of a pronounced bend. To take account of the bend in the road unit 1 would be sited so as to follow the orientation of No 19. Unit 1 would therefore be aligned at a pronounced angle relative to units 2 to 4, with those units being essentially aligned to follow the layout for Nos 31 to 43. While all four units would be of a similar design, I consider that the siting of unit 1 would mean that the development, in its totality, would lack visual cohesion within the streetscene, given the triangular shaped void that there would be between units 1 and 2. The presence of that void would result in unit 1 having an awkward relationship with the rest of the development.
7. West Hill Road comprises small runs of properties within the vicinity of No 25, which share similar alignments and spacing and this strongly contributes to this street's character. That said, there is variation in the architecture used in the differing runs of properties. I recognise that No 25 is a little unusual because of its uniqueness of design as a standalone house, although its design is compatible with the other properties dating from the same era. However, No 25 is of a scale that is sufficient for it to possess its own character and the space about this property means that it relates well with both of its smaller neighbours at Nos 19 and 31. I consider that, because of the awkward siting relationship that there would be between unit 1 and units 2 to 4, the development would lack the general spacing rhythm found in West Hill Road and that it would therefore be harmful to the streetscene's character and appearance.
8. No 25's extensive front garden, notwithstanding the front boundary treatment, has a quite verdant appearance, given the presence of the trees, two of which are subject to a tree preservation order, and the shrub planting and lawned area. Much of the existing soft landscaped frontage, which positively contributes to the streetscene, would be replaced by the new parking and access arrangements. Allowing for any new planting that might be undertaken, I consider that the marked change to the appearance of No 25's frontage that would arise would be harmful to the appearance of the site and the streetscene.
9. With respect to the effect of the car parking on the appearance of the streetscene, I recognise that many of the neighbouring properties now have extensive forecourt areas. However, those other properties are of ages that

predate widespread car ownership and their on-site parking has been provided on a piecemeal basis. The development, by contrast, provides the opportunity for on-site parking to be incorporated into it in a way that should be respectful of the area's character and appearance. I therefore consider that the other on-site parking present in West Hill Road of itself does not justify the visual harm that would arise from the development's parking arrangements.

10. West Hill Road has been quite intensively developed and I consider that the plot sizes for units 1 to 4 would be in keeping with a number of the other houses in this street, for example Nos 35 to 43 and those in Monck's Row. In this respect I consider that the development would not be unduly intense for this street. I also consider that the scale, height and mass of units 1 to 4 would be appropriate to the area, with West Hill Road having been subject to various building episodes, which has resulted in houses of varying heights and sizes juxtaposed with one another. While there would be a marked difference in the ridge lines between unit 1 and No 19, I consider this would not look out of place, given the variations found elsewhere in the streetscene, with for example there being a storey difference between Nos 17 and 19. While the plot densities and heights within the development would be acceptable, those aspects of the development would not militate against the harm to the character and appearance of No 25 and the streetscene that I have identified above.
11. I therefore conclude that the development would be harmful to the character and appearance of the site and the area. There would therefore be conflict with Policies DMS1 and DMH4 of the Wandsworth Local Plan Development Management Policies Document of 2016 (the DMPD) and the Council's Housing Supplementary Planning Document of 2015 because the development would have a layout and an arrangement of buildings that would not ensure a high level of physical integration with its surroundings and its appearance would not contribute positively to the character of the area.

Living Conditions

12. Unit 1 would be sited in close proximity to the boundary that No 25 shares with No 19 and that neighbouring house occupies a quite modest, triangular shaped plot, which narrows markedly to the rear. Unit 1 would project significantly beyond No 19's rear elevation and the orientation of No 19 would mean that the new dwelling would be very apparent when seen from the windows to the rear of No 19, as well as from within No 19's rear garden. I therefore consider that the siting of unit 1 would mean that it would result in an unacceptable loss of outlook for the occupiers of No 19 due to the enclosing effect that it would have on that property. No 19 also has two first floor windows in its side elevation and the siting and height of unit 1 would mean that the outlook from those windows would be greatly reduced.
13. While the appellant has correctly referred to residents not being entitled to have private views from their properties, losses of outlook and views are different to one another. A loss of outlook being an indicator of a new development having an unacceptable enclosing effect, ie leaving the occupiers of a neighbouring property with a sense of being hemmed in. As I have explained above I consider that the occupiers of No 19 would experience an unacceptable loss of outlook on two sides because of the siting of unit 1.

14. I also consider that the siting of unit 1 relative to No 19 would mean that there would, at times, be some unacceptable overshadowing of No 19's rear garden. That effect would also contribute to the siting of unit 1 unacceptably harming the living conditions of the occupiers of No 19. No 19's ground floor rear room is served by an extensive glazed area and the siting of unit 1 could result in some reduction in the receipt of light to that room.
15. The appellant has suggested that additional landscaping could be provided along the boundary between No 19 and unit 1. However, for such planting to be beneficial to the occupiers of No 19 it would need to reach a considerable height. That planting could therefore have its own adverse effects on the outlook from No 19, as well as potentially adding to the overshadowing of No 19's rear garden. I therefore consider that providing boundary planting would not address the unneighbourly siting of unit 1.
16. No 31 occupies a quite substantial plot and unit 4 would project a little beyond the rear elevation of No 31. However, I consider that the respective orientations of No 31 and unit 4, the amount of separation between them and the extent of No 31's rear garden would mean that the occupiers of No 31 would not experience an unacceptable loss of outlook or increased sense of enclosure or any harmful overshadowing.
17. I recognise that the installation of privacy screening would ensure that the occupiers of Nos 19 and 31 would not experience a loss of privacy as a consequence of the use of the first floor balconies. Accordingly I find the provision of the first floor balconies to be acceptable.
18. For the reasons given above I conclude that the siting of unit 1 would be harmful to the living conditions of the occupiers of No 19. There would therefore be conflict with Policy DMS1 of the DMPD because the development would be harmful to the amenity (living conditions) of the occupiers of a neighbouring property due to the loss of outlook and some overshadowing.

Driver and pedestrian safety

19. The new crossover (access) for units 1 and 2 would be sited close to a bend in the road. That would mean that for drivers emerging from the new access the forward visibility of vehicles approaching from the west would be very limited. Similarly drivers approaching from the west would have limited visibility of vehicles emerging onto the road. I therefore find that because of the poor forward visibility for drivers emerging from or approaching the new access, its use would be harmful to highway safety.
20. It is proposed that brick piers would be constructed on either side of the new and existing accesses and their presence could therefore interfere with drivers' views of pedestrians when emerging from either of the accesses. However, it would be possible, without materially changing the terms of the submitted application, for the piers to be reduced in height and for the adjoining sections of boundary enclosure to be reduced in height to ensure that adequate visibility splays were available for drivers emerging from the accesses. I consider that this is a matter that could be secured through the imposition of a planning condition, specifying the dimensions for the necessary vision splays. On that basis I consider that the development would not be harmful to pedestrian safety.

21. For the reasons given above I conclude that the provision of the new access would be harmful to driver safety and thus cause a road safety hazard, resulting in unacceptable conflict with Policy DMT1 of the DMPD.

Parking

22. The development would involve the provision of nine on-site parking spaces, which would exceed the maximum requirement of eight spaces identified by the Council. While the submitted plans show an excess of one parking space relative to the standards applied by the Council, I consider that a reduction in that provision is a matter that would be capable of being secured by the imposition of a planning condition. On that basis I conclude that the development could be implemented so as to provide an appropriate amount of on-site parking to avoid any conflict with Policy DMT2 of the DMPD.

Other Matters

23. I consider that the houses would provide adequate living conditions for their occupiers in terms of the provision of internal floorspace and external garden areas. This development would be eligible to make a Community Infrastructure Levy contribution of £355,000 to assist with the provision of social and transportation infrastructure in the area. While those matters would be benefits of the development, I find them to be outweighed by the harm that I have identified.

Conclusions

24. While I have found that an appropriate level of on-site parking provision could be provided and harm to pedestrian safety could be avoided, the development would unacceptably harm the character and appearance of the site and the area, the living conditions of the occupiers of No 19 and driver safety. I consider that the harm that I have identified could not be overcome by the imposition of reasonable planning conditions. The appeal is therefore dismissed.

Grahame Gould

INSPECTOR