
Appeal Decision

Site visit made on 6 November 2017

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 15th November 2017

Appeal Ref: APP/H5960/W/17/3180616
39 Meteor Street, London SW11 5NZ

- 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 Thompson of Cherwell Investments Ltd against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/5547, dated 16 August 2016, was refused by notice dated 25 January 2017.
 - The development proposed is erection of a single-storey side extension including basement excavation to create a 2-bedroom self-contained dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Plans were submitted with the appeal (refs 933/L/02 and 933/L/04) which illustrate the existing and proposed garden areas but make no change to the proposal. I shall take those plans into account in my decision as there would be no prejudice to any party by my doing so.
3. The appeal form indicates that the description of the proposed development was changed from that stated on the application form. I have used that description in the heading to this decision.

Main Issue

4. The main issue in the appeal is the effect of the proposal on the character and appearance of the area, including its effect on trees.

Reasons

5. Meteor Street and Tregarvon Road comprise terraced Victorian houses of two storeys with front bays which are stepped to follow the curved alignments of the roads. Their uniformity of appearance forms a key part of the character of the area. The appeal property has been converted into two flats and its side garden narrows towards the junction of the two roads.
6. The Clapham Common Conservation Area (CA) covers the common and the buildings immediately surrounding it including those along Clapham Common North Side and a modern primary school which is on the opposite side of Meteor Street to the site. The grade II listed Parkgate House School fronts onto Clapham Common North Side with part of its rear boundary adjoining Meteor Street.

7. The National Planning Policy Framework¹ encourages local planning authorities to set out policies to resist inappropriate development of residential gardens. The Council's Development Management Policies (DMP)² in paragraph 3.22 explains that open spaces between buildings are an integral part of the character and appearance of much of the borough and that development of back gardens is generally regarded as an inappropriate form of development. Policy DMH4 of the DMP excludes garden land from that which is considered appropriate for residential development. That policy refers to detailed guidance in the Council's Housing SPD.³ Paragraph 2.22 of the SPD states that there is no local justification for development of residential gardens and that these make a significant contribution to the character and appearance of the borough which is a highly built-up urban area. There is thus a clear policy presumption against development of garden land.
8. The terraces in the area are quite closely spaced and the generally small gardens are important in maintaining a balance of open space with built form. They form an integral part of the character of the area in forming part of the original layout of the terraces. The site is prominent in terms of its location adjacent to the road frontage but lies behind an existing garden wall. The height of that wall would be significantly increased and the form of the proposed dwelling including its flat roof would be apparent in the street scene. The existing garage door would be removed and that part of the wall would be restored but the other alterations including the new doors would affect the appearance of the site.
9. The Council's reason for refusal does not refer to the proposal having any harmful effect on the settings of the CA or the listed building. I agree that the effect of the proposal on the street scene would be limited and that any effect on the heritage assets would also be limited and not harmful. However it would be apparent from the street that the garden would be substantially developed.
10. The building would also be in close proximity to the rear of a number of houses on Tregarvon Road. It would be seen from the rear windows of those properties including from first floor level and in those views it would be particularly intrusive given its height above the existing boundary treatments and its extent.
11. The SPD states that when considering extensions at least half the depth of back gardens should be retained. A proportion of the garden has already been lost to the garage and the extension. The proposal would replace the garage but it would occupy a significantly larger footprint than that building. The parties dispute the exact proportion of the garden that would be lost but it is evident that the resulting development would cover well over half of the original garden. The basement area of the proposal at 44.1 m² would be significantly larger than the remaining rear garden and the patio for the proposed dwelling which would total 35.5 m². Small areas of front garden would be retained but the SPD refers to back garden space. For these reasons I find that the resulting development would exceed the maximum amount recommended in the SPD.

¹ NPPF paragraph 53

² Wandsworth Local Plan Development Management Policies (2016)

³ Wandsworth Local Plan Supplementary Planning Document – Housing (2015)

12. Policy DMS1 of the DMP requires a design-led approach to optimise the potential of sites so that the layout and arrangement of buildings ensure a high level of physical integration with their surroundings and that developments contribute positively to local spatial character. The proposal is design-led but it would not accord with the other requirements of that policy. Policy DMH4 (iv) requires new build accommodation to reflect local character. Given that development of garden land is not considered appropriate in policy DMH4 the proposal would not accord with that policy.
13. The reason for refusal refers to impact on trees. On my visit I saw that there are no trees within the existing garden which is covered with decking but that there are two adjacent street trees. The nearest of those trees, a maple is suffering from decay and has a limited life expectancy. There is doubt as to whether its roots extend under the site to any significant extent because of the likely barriers formed by the foundations of the boundary wall and the garage. The potential for rooting under the garden is also limited by its surfacing with slabs under the decking. The second tree, a silver birch is a greater distance away from the proposed development and its roots would be unlikely to be affected to any significant extent.
14. Following the submission of further information from the appellant's consultant, the Council's Arboricultural Officer no longer objects to the proposal in terms of its impact on those trees. The appellant has offered to plant a replacement for the maple and this could be secured by a condition. I note the concern of the Inspector in the previous appeal decision⁴ on this matter. Although there is some uncertainty regarding the maple, if that tree were to be lost then this could be compensated for. On this basis the proposal would accord with policy DMO5 of the DMP which requires that there is no damage to or loss of trees of amenity value. My finding on this matter does not however alter my overall conclusion on the main issue. I conclude that the proposal would unacceptably harm the character and appearance of the area.
15. The proposal would be of benefit in providing a residential unit but no evidence of any shortage in housing supply has been provided and the Council states that its housing targets can be met without relying on residential garden land. The proposed sedum roof could provide some biodiversity and reduce surface water run-off. However the scale of any benefits in these respects would be very limited. I have no substantive evidence before me to demonstrate that the demolition of the existing garage would be of appreciable benefit to highway safety. The proposal would conflict with key policy requirements of the DMP and would not accord with the development plan when read as a whole. The identified benefits would not be sufficient to outweigh the conflict with development plan policy and the harm that I have identified.

Conclusion

16. For the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR

⁴ Ref APP/H5960/W/15/3136074