



Appeal Decision

Site visit made on 30 May 2019

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2019

Appeal Ref: APP/H5960/W/19/3224295

Trinity Court Nursing Home, 165-167 Trinity Road, London SW17 7HL

- 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 Azim Jivraj against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2019/0013, dated 31 December 2018, was refused by notice dated 28 February 2019.
 - The development proposed is described on the application form as the erection of a detached extension for dementia patients.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are: (i) whether the proposal would preserve or enhance the character or appearance of the Wandsworth Common Conservation Area; and (ii) the effect of the proposal on the living conditions of the occupiers of appeal property, with particular regard to amenity space provision.

Reasons

Character and appearance

3. The appeal site is occupied by a nursing home. This comprises what would have originally been a pair of large detached houses that have been linked together and extensively extended to the rear. The nursing home benefits from a pleasant and relatively secluded garden to the rear that is surrounded on 3 sides by trees.
4. The site is located within the Wandsworth Common Conservation Area (WCCA) which includes substantial areas of landscaped open space plus the surrounding streets, many of which are laid out in grid patterns and contain handsome 2 or 3 storey terraced and semi-detached Victorian and Edwardian housing. A feature of many of these properties is their long verdant rear gardens. The general absence of development within these garden areas contribute to, and form part of, the character and appearance of the WCCA and is therefore part of the Area's significance. The garden at the rear of the appeal property makes a notable contribution to this aspect of the significance of the WCCA, a matter to which I attach significant weight.

5. Planning permission was granted in 2018 for development within the rear garden comprising a detached single-storey building with accommodation in the roof space (Ref: 2018/1058). This would provide 8 additional bedrooms for the nursing home. I consider there to be a high likelihood that this development would be carried out if this appeal is dismissed and therefore view the 2018 permission as a fall-back position and accord significant weight to it.
6. The appeal proposal would essentially comprise the scheme approved in 2018 plus an additional pair of bedrooms with en-suite facilities. This would result in a building with a substantially greater footprint than that approved, there would be a greater loss of garden space and far less separation between the new development and the rear of the nursing home. As a consequence of these matters the proposal would be an overly dominant form of development that would result in a harmful imbalance between built and unbuilt space and as such would harm the significance of the WCCA.
7. Due to its siting and substantial footprint, I therefore conclude that the proposal would fail to preserve the character and appearance of the WCCA. It therefore fails to comply with Policies DMS1 and DMS2 of the Wandsworth Local Plan Development Management Policies Document (2016) (LP). Amongst other matters these policies seek to ensure that development contributes positively to local spatial character and conserves the significance, appearance and character of heritage assets. There is also conflict with the aims of chapter 16 of the National Planning Policy Framework (2019).
8. Whilst the proposal would fail to preserve the character and appearance of the Conservation Area the resulting harm would be less than substantial. Over and above the benefits that would result from the 2018 fall-back scheme, the appeal proposal would provide 2 additional rooms for residents of the nursing home with dementia and possibly a marginally higher level of employment. I do not consider that these benefits would outweigh the harm identified above.

Living conditions

9. Whilst the proposal would result in the loss of a significant proportion of the garden, areas of lawn and paving would be retained. There is nothing before me to indicate that the garden is either well-used by the occupiers of the nursing home or that the areas of lawn are necessary to meet residents' needs for outdoor space. I am satisfied that a smaller outdoor area would be sufficient for the likely needs of the nursing home and note that, were the proposal acceptable in other respects, a high-quality sensory garden could be secured by way of a planning condition to compensate for the loss of space.
10. For these reasons I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of the appeal property and therefore complies with the aims of LP Policy DM1.

Conclusion

11. Although I have found that the proposal would not have an unacceptable effect on the living conditions of the occupiers of the appeal property, for the reasons set out under the first main issue, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole INSPECTOR