
Appeal Decision

Site visit made on 16 September 2019

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th October 2019

Appeal Ref: APP/H5960/W/19/3231814

River Foreshore West of Vicarage Gardens, Vicarage Crescent.

- 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 Crescent Moorings Limited against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2018/4588, dated 25 September 2018, was refused by notice dated 12 April 2019.
 - The development proposed is installation of mooring piles and an access bridge in connection with the provision of a permanent residential mooring.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address and description of development is taken from the decision notice. This is to ensure the site and development proposed on it can be clearly identified.
3. The planning application was amended whilst under consideration by the Council, principally to reduce the size of the proposed boat that would sit on the mooring. I have dealt with the appeal based on these amended plans.

Main Issues

4. The main issues in this appeal are
 - The effect on the character and appearance of this part of the river Thames;
 - Whether the proposal would preserve or enhance the character or appearance of the Battersea Square Conservation Area; and
 - The effect on biodiversity, flood risk and whether or not the proposed residential vessel would be adequately serviced and protected from wash.

Reasons

Character and Appearance

5. The site comprises an area of river north of the railway bridge which leads to Imperial Wharf. It is set beyond a small area of open space known as Vicarage Gardens, which sits at a raised level between the river path and a busy road.

6. Unlike the area around the nearby railway bridge, this part of the river is relatively free from moorings and associated riverside clutter. The single houseboat to the south of the site appears as an isolated exception. In consequence, there are largely unobstructed views of the river from Vicarage Gardens and this part of the river path, resulting in a spacious and open character.
7. There would be a new permanent access to the site from the footpath, together with supporting infrastructure on the riverbed. The boat would rise and fall with the water, but at high tide it would be of a bulk and scale that obstructs the existing open view of the river from both the path and Vicarage Gardens. Accordingly, the spacious and open character of this part of the riverbank would be diminished.
8. Policy 7.28 of the London Plan ("2016") ("London Plan") requires that, amongst other things, new development must protect the open character of the Blue Ribbon Network, of which the Thames forms a part. Whilst the relevant supporting text acknowledges that residential barges can add to the diversity and vibrancy of the waterways, it also cautions against parts of the river becoming a continuous line of moored craft. That is what would start to occur here, as the boat on the mooring would combine with the existing neighbouring boat to erode the open and undeveloped character of this part of the riverbank. In this respect, the proposal would fail to preserve the open character of the Blue Ribbon Network.
9. The site is around 160 metres away from an identified focal point of activity around the railway bridge, as identified in the Wandsworth Local Plan – Development Management Policies Document (March 2016) ("Local Plan"). It can therefore be reasonably regarded as physically near to this area, and the proposal therefore accords with one part of policy DMO7 of the Local Plan, which sets out criteria to be met where new houseboats and permanent moorings are proposed in the Borough. However, this policy also requires the character and open nature of the river and riverside is not harmed. As the proposal would obstruct the view of the river from the river path and gardens on a relatively undeveloped stretch of riverbank, it would fail to meet this test. The proposal therefore conflicts with this policy, when it is read as a whole.
10. The appellant maintains that the visual impact would be minimal, noting that the river would be visible around any boat on the mooring. However, it is clear the mooring would house a substantial structure of considerable length, which is reflected in the visual representations of the proposal. Overall, the proposed development would lead to unacceptable harm to the character and appearance of this part of the river Thames. It would conflict with policy 7.28 of the London Plan, and DMO7 of the Local Plan, the requirements of which are discussed above. It would also conflict with Policy DMS1 of the Local Plan, which requires that, amongst other things, development contributes positively to local spatial character. Whilst other policies are also cited by the Council in its first reason for refusal, and also by the appellant in their submissions with the appeal, those referred to above are the most relevant to this main issue.

Conservation Area

11. This part of the river also falls within the Battersea Square Conservation Area. On the basis of my site inspection, the special character and significance of this area is derived from the main square, market area and the historic buildings

that sit around it. The river forms part of the wider setting of this square, reflecting its inclusion in the Conservation Area, although there is modern development in the intervening space. The current lack of moorings and visual clutter give the riverbank an open appearance, as described above.

12. Whilst the site was once surrounded by wharves, it now has the appearance of a public promenade. The evidence before me does not demonstrate that houseboats or residential moorings form any significant part of the broader historic evolution of this Conservation Area, and there are few boats currently moored on this part of the river. For these reasons the development would appear as an atypical feature, which detracts from the prevailing open riverside setting of Battersea Square.
13. In consequence, the proposal would also fail to preserve or enhance the Battersea Square Conservation Area. It conflicts with policies DMS1 and DMS2 of the Local Plan which seek to, amongst other things, ensure that developments sustain and, where appropriate enhance the significance, appearance, character and setting of heritage assets. The harm to the Battersea Square Conservation Area would be less than substantial. The National Planning Policy Framework ("the Framework") requires that such harm is weighed against the public benefits of the proposal. I will return to this matter in the Planning Balance section.

Wildlife, flood risk and servicing

14. Each of the issues set out in the second, third and fourth reason for refusal are rooted in the need for further studies and information to demonstrate that an acceptable scheme could come forward. In each case it has not yet been demonstrated that the principle of development is acceptable. The appellant accepts that these were reasonable grounds to refuse planning permission¹ and accordingly there is no need to deal with them in more detail. I therefore conclude that the proposal would have an unacceptable effect on biodiversity, flood risk and would not be adequately serviced or protected from wash. It conflicts with policies PL4, PL9 and IS4 of the Wandsworth Local Plan: Core Strategy (March 2016), and policies DMS1, DMS5, DMO4, DMO6 and DMO7 of the Local Plan which seek to, amongst other things, ensure that developments are adequately serviced, must not harm the stability of flood defences and provide gains for biodiversity. It also fails to have appropriate regard to associated guidance set out within the Wandsworth Local Plan: Supplementary Planning Document *Refuse and recyclables in developments* (2014).

Planning balance and conclusion

15. The appellant argues that the boat set on the mooring would be an attractive feature, creating visual interest on this part of the river. Both the London Plan and the Local Plan acknowledge that residential moorings can add to the vibrancy of riverside environments, and there is also some public support for the proposal on this basis. However, any visual interest associated with the development would not outweigh the harm that arises through the deterioration of the spacious and open character of this part of the riverbank, as described in my reasoning above. Accordingly, this is not a public benefit in favour of the proposal.

¹ Paragraph 2.2.1 of appeal statement.

16. The development would facilitate additional residential accommodation in a sustainable location in central London. This is in line with the Framework, which seeks to boost the supply of housing, and other local planning policies with similar objectives. However, these public benefits are not sufficient to outweigh the less than substantial harm to the Battersea Square Conservation Area, and the other harm identified.
17. In conclusion, the proposal conflicts with the development plan when considered as a whole and there are no other considerations that outweigh this finding. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR