
Appeal Decision

Site visit made on 10 September 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2019

Appeal Ref: APP/H5960/W/18/3219335

1 Armoury Way, London SW18 1TH

- 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 Duncan Watson, Dunward Properties Ltd against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2018/3220, dated 28 June 2018, was refused by notice dated 14 December 2018.
 - The development proposed is the erection of a four-storey plus basement building to provide 1562 sq. m. of floorspace for Offices (Class B1a).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a four-storey plus basement building to provide 1562 sq. m. of floorspace for Offices (Class B1a) at 1 Armoury Way, London SW18 1TH in accordance with the terms of the application, Ref 2018/3220, dated 28 June 2018, subject to the conditions in the attached Schedule.

Main Issues

2. The main issues raised in this case are:
 - i) The effect of the proposal on the character and appearance of the area, with particular regard to the sites location within the Wandsworth Town Conservation Area and the nearby Grade II listed building 'The Grapes' and locally listed properties, 43-49 Fairfield Street.
 - ii) The effect of the proposal on the living conditions of the occupiers of properties along Barchard Street, with particular regard to outlook and overbearing effect,
 - iii) The suitability of access arrangements, having regard to service, delivery and waste collection facilities, and
 - iv) Whether the scheme makes adequate provision for managed and affordable workspace.

Reasons

Character and appearance

3. The site lies within the Wandsworth Town Conservation Area (the CA). I observed that the significance of this designated heritage asset lies, in part,

due to the presence of traditionally detailed and proportioned buildings lining roads, with notable distinctive buildings including the Wandsworth Municipal Office. There was also an obvious variety in the appearance of buildings within the CA, together with considerable variation in the scale and massing of buildings.

4. The proposal would result in the construction of a substantial building, which would occupy the entirety of the site. However, I observed that substantial buildings were not unusual within the locality, with examples of large structures visible from the site. There were examples of buildings larger than that which is proposed, both within and outside of the CA, and within this context the scale and massing of the proposal would not be excessive or visually intrusive. The Council state that the use of materials would complement the context and the building would form a positive frontage along Armoury Way, judgments which I do not disagree with.
5. Within the vicinity of the site lies a public house, 'The Grapes', which is a Grade II listed building. Whilst the Council has not provided details of the listing description of this building, I observed that its significance as a designated heritage asset lies in part due to it being an example of a traditional and ornately detailed public house which retains a high level of architectural detailing.
6. The Grapes is divorced from the appeal site by the presence of intervening gardens associated with the nearby residential properties and as a consequence there would be visual separation between the listed and proposed buildings. Furthermore, the setting of this listed building already includes an imposing six storey building, located on the opposite side of Fairfield Street. There are also additional buildings within the vicinity that are taller than the listed building. As such, the introduction of a further taller building would not have an adverse effect on the setting of The Grapes. Whilst the Council contend that there are "clear and uninterrupted views" over the site from The Grapes, I observed that there was little fenestration to the rear of this building and as such the effect on any views that may exist would not be sufficient to result in a detriment to the setting of the building.
7. Located adjacent to the site are the locally listed buildings, 43-49 Fairfield Street. These comprise brick built, traditionally proportioned two-storey residential properties with gardens to the rear. The gardens would provide a degree of separation between these properties and the proposed buildings, ensuring that they are visually distinct. Moreover, whilst the proposed scheme would rise to four storeys in height, given the degree of separation, together with the presence of a six-storey building directly opposite, there would not be a harmful effect on these locally listed buildings.
8. Consequently, the scheme would have an acceptable effect on the character and appearance of the area, including preserving the character and appearance of the CA, preserving the setting of the Grade II listed building 'The Grapes' and the locally listed buildings 43-49 Fairfield Street. Thus, the scheme would accord with Policies PL 1 and IS 3 of the Wandsworth Local Plan – Core Strategy (2016) (the Core Strategy) and Policies DMS1 and DMS2 of the Wandsworth Local Plan – Development Management Policies Document (2016) (the DMPD). Together, and amongst other things, these policies seek to ensure that local distinctiveness is promoted, that the form and design of buildings

reinforce local character, that buildings physically integrate with their surroundings and that schemes sustain and conserve the significance of heritage assets.

9. The reason for refusal refers to Policy PL 3 of the Core Strategy, however this policy refers to Transport and no specific harm has been identified under this main issue in relation to this policy. Nonetheless, I have found that the scheme would comply with the policies above.

Living conditions

10. A terrace of properties lies to the south, with their rear elevations facing the site and rear gardens lying between the existing and proposed buildings. The proposed scheme would result in the addition of a four-storey building into views from the rear of these properties. Whilst the scheme would undoubtedly change the outlook that is experienced from the rear of the properties, it would not be so obtrusive so as to result in unacceptable living conditions for the occupiers of the properties. I acknowledge that views over the appeal site would be possible from the first floor of the existing properties, however this would be towards a busy road and built development beyond. The visibility of a building on the appeal site would not be uncharacteristic of the immediate locality, where there is a close-knit urban form, or of such an urban location. Whilst the Council refer to the outlook from the existing properties being open and unobstructed, I observed that there were many trees located to the rear gardens which limited the outlook that is currently available. Consequently, the scheme would not have an unacceptable effect on the outlook experienced by the occupiers of properties along Barchard Street.
11. The rear elevation of the building, whilst extending to four storeys in height, is stepped with the third and fourth storeys each set back from the one below. As a consequence of this, the bulk of the top two storeys of the building would be less appreciable from the rear garden areas associated with the existing properties. Additionally, when viewed from the rear elevation, the sides of the building would also be stepped in above the second storey, which would further reduce the effect of the top two storeys. On balance, whilst the scheme would introduce a new built element to the rear of existing properties, its presence would not be so great as to have an overbearing effect.
12. Accordingly, the scheme would not have an unacceptable effect on the living conditions of the occupiers of properties along Barchard Street, having regard to outlook and overbearing effect. The scheme would therefore comply with Policy DMS1 of the DMPD which, amongst other things, seeks to ensure that development does not harm the amenity of occupiers of nearby properties through unacceptable overbearing or unsatisfactory outlook.

Access arrangements

13. The site lies adjacent to the A3 road (Armoury Way) and currently vehicular access and egress is provided at two points along the highway, with a parking/loading area to the front of the existing building. Armoury Way is currently subject to one-way traffic to the frontage of the site. The proposed scheme would involve the removal of both points of access and the reinstatement of a pedestrian footway along the entire frontage of the site. There would be no onsite parking, loading or servicing area provided as part of the scheme.

14. It is proposed that vehicular servicing, given the current highway layout, would take place from Armoury Way. There are, at this time, single red line restrictions along Armoury Way preventing the stopping of vehicles between 07:00 and 19:00. It is therefore proposed that deliveries and servicing would take place between these hours, overnight. Should any deliveries or servicing be undertaken during the day, vehicles would be required to find alternative parking arrangements. Given the controls that are in place as a result of the single red line restrictions, and that this is likely to be a situation that exists in many urban locations, I consider that these arrangements would be acceptable and would not result in any substantial effect on highway safety. Control and details could be further regulated by the imposition of planning conditions requiring the submission of a Delivery and Servicing Plan, as well as details of waste collection.
15. I am also conscious that currently a scheme is being developed for a re-design of Armoury Way which would result in the road to the frontage of the site accommodating two-way traffic and that double red line restrictions are proposed to be put in place. These would prevent the stopping of vehicles along Armoury Way at any time of the day. In this situation, it is proposed that servicing and deliveries would take place from a proposed loading bay located along Fairfield Street, approximately 30 metres from the appeal site. Again, I consider that it is likely that within many urban locations, the servicing of properties from a distance takes place and is acceptable. I have no reason to find that such an arrangement would be unacceptable in this instance.
16. My view on this matter is re-enforced by the lack of objection from Transport for London (TfL), the highway authority for the area. TfL have commented that the principle of the proposed delivery and servicing arrangements are acceptable. I do note, particularly however, that TfL does question the practicality of the arrangements, further commenting that robust management will be required to ensure vehicles do not stop at inappropriate locations. In my view, this can be controlled, as mentioned above, through a Delivery and Servicing Plan and details of waste collection.
17. Thus, subject to appropriate details being secured by condition, the scheme would benefit from suitable access arrangements, for servicing, delivery and waste collection facilities. Accordingly, the scheme complies with Policies DMT1 and DMT2 of the DMPD insofar as they seek to ensure safe and suitable access can be achieved and that adequate servicing arrangements can be made.

Managed and affordable workspace

18. Policy EI 4 of the Wandsworth Local Plan – Employment and Industry Document (2018) requires that developments which provide more than 1000 square metres of economic floorspace, as the proposed building does, contribute directly to the provision of affordable, flexible and managed workspace. At the time the planning application was determined, no such provision had been secured and therefore this matter was included as a reason for refusal.
19. Subsequent to the refusal of the planning application discussions have taken place between the appellant and the Council. The Council has indicated that it is willing to enter into an agreement to resolve this matter. I have now been provided with a signed and completed S106 legal agreement securing the

provision of managed workspace. Subject to this agreement, the scheme would now comply with the requirements of Policy EI 4.

Other Matters

20. Interested parties have raised some concern in respect of overlooking. However, the ground and first floor elevations of the building which face existing properties contain no windows. To the second and third floors above, the only glazing is inset within the elevations, set at an angle and are narrow glazing panes which are orientated such that there would be little, if any, direct views of the neighbouring properties. As such, there would be no unacceptable effect on the living conditions of neighbouring properties through overlooking.
21. The submitted Daylight and Sunlight Study demonstrates that there will be no unacceptable effect through overshadowing. In terms of loss of light, the study demonstrates that there would be a small loss of daylight to a small number of windows of neighbouring properties but concludes that this would be acceptable given the only slight reduction of the shortfall against Building Research Establishment (BRE) standards. I note that the Council does not object to the scheme on the basis of any loss of light or overshadowing, based on the above, I have no reason to find that the scheme would have an unacceptable effect in these regards.
22. Further concern has been raised in respect of increased parking pressure within nearby streets, the potential for damage to neighbouring properties during construction, the site being unsafe for development and that longer opening hours of the operation at the site would adversely affect neighbouring living conditions. No substantive evidence has been provided to show that there would be any harm in these regards and as such these matters have little bearing on my decision.
23. It has also been mentioned that the site should be developed for affordable housing, rather than offices. However, I have to make a decision on the scheme that is before me and not any possible alternative scheme.

Conditions

24. I have imposed a condition in relation to the commencement of development and in the interests of clarity a condition to ensure compliance with the submitted plans.
25. In order to ensure that the development has a satisfactory external appearance, I have also imposed a materials condition, as well as a condition requiring details of the green roof and all planting. Rather than being pre-commencement conditions, I consider that such details can be agreed prior to above ground works taking place. In the interests of safeguarding the living conditions of neighbouring occupiers, a condition preventing use of the roof as any form of terrace is also necessary, however I have not prevented the erection of balustrades or similar features as these may be required for safety during maintenance.
26. So that the relationship, in terms of height, with neighbouring buildings is satisfactory, I have imposed a condition requiring details of site levels. To ensure that the development is constructed at the appropriate finished level, these details are required to be agreed prior to the commencement of development. Given that the proposal would necessitate excavation into the

site, I have imposed a condition in respect of a desktop study of possible contamination of the site.

27. In the interests of sustainable transport, a condition is required to secure the provision of cycle parking facilities. So that the scheme does not result in a detriment to highway safety, conditions are required in respect of a delivery and servicing plan and details of waste management. Given the proximity of residential properties, in order to ensure that the living conditions of neighbouring occupiers are safeguarded during the course of the construction of the development, I have included a condition requiring a Construction Method Statement. However, I consider it is not necessary to control the routing of construction traffic in light of the volume and variety of traffic I observed using the nearby roads.
28. In the interests of sustainability, a condition is included in respect of energy usage. In addition, to prevent detriment to the local environment, I have included a condition requiring details of surface water drainage to be agreed and in the interests of preventing detriment to air quality, I have included a condition in respect of the use of non-road mobile machinery.
29. A condition has been recommended in respect of removing permitted development rights, however no exceptional circumstances have been put forward to justify this. As such, I am unable to find that this condition would meet the test of necessity.

Conclusion

30. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be allowed.

Martin Allen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 010rev.P, 011rev.P5, 012rev.P5, 013rev.P5, 014rev.P5, 015rev.P4, 020rev.P, 021rev.P, 022rev.P, 030rev.P, 032rev.P, 033rev.P5.
- 3) No above ground level development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No above ground level development shall take place until details of all planting have been submitted to and approved by the local planning authority in writing. These shall include details of the green roof planting and soil depth, as well as details of the green walls. The relevant works

shall be carried out in accordance with the approved details prior to occupation of the building.

- 5) The roof area of the building hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
- 6) No development shall take place until the following information has been submitted to and approved in writing by the local planning authority:
 - i) a full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings;
 - ii) full details of the proposed finished floor levels of all buildings.The development shall be carried out in accordance with the approved details.
- 7) No development shall take place until a desktop study has been submitted to and approved in writing by the local planning authority. The desktop study shall identify all previous site uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site and any measures to be taken to prevent and or remedy contamination at the site, site investigation scheme (providing information for an assessment of the risk to all receptors that may be affected, including those off site), intrusive investigation and risk assessment (assessing the degree and nature of any contamination on site and the risks posed by any contamination to human health, controlled waters and the wider environment). Any measures to be taken to prevent and/or remedy contamination at the site set out in the approved document shall be undertaken in accordance with the approved details.
- 8) Prior to the first occupation of the development the cycle parking shown on the approved drawing shall be provided and be retained for cycle parking purposes for the users of the development and for no other purpose.
- 9) Prior to the occupation of the development, details of a delivery and servicing plan including hours of operation shall be submitted to and approved by the local planning authority. The development shall be occupied and operated in accordance with the approved delivery and servicing plan.
- 10) Prior to the occupation of the development, an operational waste and recycling strategy shall be submitted to and approved in writing by the local planning authority. The submitted operational waste and recycling strategy shall include details of the arrangements for storage and collection of waste from the development. The measures detailed in the approved operational waste and recycling strategy shall be installed prior to first occupation of the development. The development shall at all time accord with the approved operational waste and recycling strategy.
- 11) No development shall take place, including any demolition, until a construction management plan has been submitted to and approved by the local planning authority. The construction management plan shall include details (but not limited to) of the time of vehicle arrival and departure, any proposed temporary traffic and pedestrian management

measures during the course of construction, and measures to mitigate noise, dust and air quality. The demolition and construction works shall be carried out in accordance with the approved plan.

- 12) The development shall be built in accordance with the submitted Energy Strategy by AGP Consultants Ltd ref: 4679/MW/PES1 dated October 2017 demonstrating how the development will follow the hierarchy of energy efficiency, decentralised energy and renewable energy technologies to secure a minimum 35% reduction in CO2 emissions below the maximum threshold set in Building Regulations Part L 2013. Prior to first occupation of the development, evidence (e.g. photographs, copies of installation contracts and as-built worksheets prepared under SAP or the National Calculation Method) shall be submitted to the local planning authority and approved in writing to demonstrate that the development has been carried out in accordance with the approved Energy Strategy. The installed measures shall be retained in accordance with the approved details.
- 13) No development shall take place until details of surface water drainage, which shall follow the principles of sustainable drainage as far as practicable, have been submitted to and approved by the local planning authority. The drainage shall be provided in accordance with the approved details before first occupation of the development.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), the use of non road mobile machinery of net power between 37kW and 560kW used in the construction of the development shall meet at least Stage IIIA of the EU Directive 97/68/EC and its amendments. This will apply to both variable and constant speed engines for both nitrogen oxides (NOx) and particulate matter (PM). Prior to works commencing on site, any non road mobile machinery of net power between 37kW and 560kW to be utilised in the construction of the development shall be registered on the web-site <https://nrmm.london/>.