



Appeal Decision

Site visit made on 19 November 2019

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday, 04 December 2019

Appeal Ref: APP/H5960/D/19/3236658
34 Headington Road, London SW18 3PP

- 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 & Mrs Laurence & Amiram Bukowsky against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2019/1856, dated 27 April 2019, was refused by notice dated 21 June 2019.
 - The development as described on the application form is 'alterations to front yard: - removal of off site parking which dominated the front garden - replacement of existing hard surface (large concrete slab and stone tiles) for purpose incidental to the enjoyment of the dwelling house as per permitted development rights described in schedule 2 part 1 class f of the town and country planning (general permitted development (england) order 2015. - replacement of one large iron gate and two small parts of timber fence (all less than 1 metre height) with a brick fence as per permitted development rights described in part 2 minor operations class a - gates, fences, walls etc of the town and country planning (general permitted development (england) order 2015. - replacement of a small entrance iron gate with a similar model gate of a similar height, less than 1 metre. - erection of refuse & cycle store in the front yard to reduce waste odours, prevent pest issues, improve overall hygiene and appearance of the house and the wider street scene. - removal of pebble dash render to front facade at first floor and replacement with smooth render similar to neighbouring properties'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the host property and the Magdalen Park Conservation Area.

Procedural Issue

3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered that the development comprises 'alterations including erection of front brick boundary wall, steel railings and gate up to 1.5m high; replacement of hardstanding and erection of refuse store in front garden'. This is the same description used by the Council in their decision notice and is more concise. The Council dealt with the proposal on this basis and so shall I.

4. The development has already taken place and therefore I am considering the appeal retrospectively.

Reasons

5. The appeal site is a two-storey mid terrace property located within the Magdalen Park Conservation Area (CA) and is identified in the Area Appraisal & Management Strategy¹ (AAMS) as The OpenView Estate. Properties are all a mixture of terraced and semi-detached houses arranged in groups that vary in size. It has a harmonious appearance from the use of similar architectural features and materials. Despite some variation in form, the properties in the area present a discreet arrangement that appreciably contributes towards the local character.
6. The appeal proposals are to retain the front brick wall with painted metal railings, pillars and iron gate, brick walls and railings along the side boundaries with No.32 and No.36 Headington Road, hard surfacing of the front garden, brick and felt roof bin/cycle store in the front garden and smooth render at the first-floor level of the property.
7. The AAMS which is broadly consistent with policies within the adopted development plan advises at paragraph 4.20 that front gardens are generous with front boundaries formed with simple, low close boarded fences. It acknowledges that few original fences are still evident, but that timber fencing is an essential feature of the character of the estate and where it has been replaced with arbitrary walls, fences and railings the result is discordance and very intrusive.
8. The front wall incorporates large pillars and part of the bin/cycle store, which contributes to the wall itself appearing bulky and oppressive. The design of the walls in combination with the height, pillars, railings, excessive coping and its wraparound to the sides appears as a discordant and stark feature within the immediate street scene, which is out of character with the estate itself and causes harm to the character and appearance of the CA. I acknowledge that there are a mix of boundary treatments within the immediate area, but the majority are of timber materials or low walls and retain the traditional features of the estate and wider characteristics of the CA.
9. The Council suggest that the size of the bin/cycle store and position within the front garden area may be acceptable with modifications to the wall. The appellant suggests that any height adjustment means the function of the bin storage would be reduced and result in bin bags in front gardens, whilst this may be the case I have no alternative scheme before me, therefore in its current form as it incorporates the front boundary wall, which is not acceptable for the reasons given above, it causes harm to the character and appearance of the CA.
10. The front garden of the property has substantial hardstanding, covering the entire area with a non-porous surface of paving stones and sits higher than that of the street level. It dominates the appearance of the front garden, appears unsightly particularly with the amount of domestic paraphernalia and lack of any soft landscaping to the detriment of the host property and is at

¹ Magdalen Park Conservation Area Appraisal & Management Strategy, adopted 2009

- odds with the prevailing character of the area, where many of the front gardens retain areas of soft and/or hard landscaping.
11. A smooth render finish has been added to the first floor of the property and the Council argues that any arbitrary or nonstandard alteration upsets the uniformity of the group of terraces. As I saw on my site visit most properties along Headington Road and on the wider estate had render finishes in part or in full on the front elevations of a mix of finishes, but generally followed pattern, coverage and materials along each terraced row. The smooth render finish significantly alters the appearance of the host building and upsets the uniformity of the wider terrace properties, particularly that of the neighbouring property at No.32, which has a roughcast finish. It therefore causes harm to the character and appearance of the host property and wider street scene.
 12. I have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. For the reasons given, the development harms the character and appearance of the area and fail to preserve that of the CA. Whilst the harm would be less than substantial, I must nonetheless give this considerable importance and weight in the context of a duty to favour preservation or enhancement.
 13. Paragraph 196 of the National Planning Policy Framework 2019, states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The appellant has put forward the arguments that the development provides contemporary and sustainable amenity space, maintains privacy and security, less continued maintenance, trends, reduce/detracts from the use of cars, bin functionality, reduces value. As such in my view these only benefit occupiers of the development and there would be little public benefit to outweigh the harm found to the significance of the CA.
 14. I conclude that the development harms the character and appearance of the host property and fails to preserve or enhance the Magdalen Park CA. It is contrary to Policy IS3 of the Wandsworth Local Plan Core Strategy (2016), and Policies DMS1, DMS2 and DMS6 of the Wandsworth Local Plan Development Management Policies Document (2016), which seek to encourage good design and protect or enhance the historic environment. It is also at odds with guidance contained within the Council's SPD on front gardens and the AAMS.
 15. It is also contrary the Chapter 16 of the Framework which aims to conserve and enhance the historic environment.

Other Matters

16. I have had regard to the other properties that have been drawn to my attention by the appellant. No.2 Openview and No's. 55, 53 Leckford Road are some distance from the appeal site and the layout, form and scale of development is different from the appeal before me. Similarly, I do not consider that the variations in the layout of hardstanding front gardens, the materials of boundary treatments/walls and render type found in several properties of the surrounding area is sufficient justification to allow this appeal. In any case, I must consider the appeal on its own merits.

17. The appellant pointed out that within the CA alterations, walls, gates, hard surfacing could be built without the need for planning permission. Be that as it may, in my view any such proposals would not be as substantial as the development now before me.

Conclusion

18. For the reasons given above and taking all matters into consideration the appeal should be dismissed.

KA Taylor

INSPECTOR