
Appeal Decision

Site visit made on 25 February 2020

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2020

Appeal Ref: APP/H5960/W/19/3241954

Rear of 7 Bank Lane, London, SW15 5JT

- 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 C Ackley (Harepath LLP) against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref: 2019/2204 dated 21 May 2019, was refused by notice dated 19 August 2019.
 - The development proposed is erection of a single storey three-bedroomed house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted a Unilateral Undertaking (UU) with the appeal relating to the construction of a garage at 2 Roehampton Gate permitted under Ref: 2017/1470. I return to this UU under Other Matters below.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

Background

4. Planning permission was granted under Ref: 2017/1470 in June 2017 for the erection of two garages in the rear gardens of 7 Bank Lane and 2 Roehampton Gate, although these have not been built. Planning permission was refused for the erection of a two storey (including roof accommodation) four bedroomed house with off-street parking accessed from Bank Lane on the appeal site under Ref: 2017/3686 in October 2017. An appeal against that refusal was dismissed on the grounds of the effect of the proposed development on the character and appearance of the area and on the living conditions of existing neighbouring occupiers¹.
5. The proposal before me differs from that previous proposal in that it is single storey, has a larger footprint and is of a different design. Being single storey with no windows facing neighbouring properties, the proposed dwelling would

¹ APP/H5960/W/18/3200086

not overlook any of those properties. The previous concern relating to the effect on the living conditions of the occupiers of the neighbouring dwellings is therefore overcome. This is acknowledged by the Council in its Delegated Report.

Character and appearance

6. Bank Lane runs between the buildings and grounds of the Bank of England Sports Ground to one side and residential development to the other, comprising mainly large detached dwellings of two storeys above ground with rooms in the roof space lit by dormer windows. These dwellings principally front Roehampton Gate and Roedean Crescent with their side elevations and side garden boundaries facing Bank Lane. They have long rectangular rear gardens that are largely undeveloped, resulting in a spaciousness which contributes significantly to the character and appearance of the area.
7. The appeal site currently forms the end of the rear garden of 7, Bank Lane (No. 7) which slopes gently to the west from the rear of the existing dwelling. The rear garden is mainly laid to lawn and is bounded to the north alongside Bank Lane by a low brick wall with wooden fence panels between brick piers on top, approximately 2 m high in total. I note that the Inspector that allowed the appeals for 9 and 11 Bank Lane² (Nos. 9 and 11) to which the appellant draws my attention considered that the 2 - 3 m high walls, fencing and planting along Bank Lane limited the contribution of the openness of the garden to the character of the area. The gap between Priory Lane and Roehampton Gate is similar to that between Roehampton Gate and Roedean Crescent. However, the openness of the rear garden of No. 7 can be appreciated from Bank Lane, particularly given the fall in the land levels when viewed from the east.
8. The proposed development would result in the loss of a significant portion of the rear garden of No. 7. Paragraph 3.22 of the Wandsworth Local Plan Development Management Policies Document (2016) (DMPD) notes that the open spaces between buildings are an integral part of the character and appearance of much of the borough and consequently the development of back gardens is generally regarded as an inappropriate form of development in the borough. This reflects paragraph 2.22 of the Council's Housing Supplementary Planning Document (2015) (SPD) which notes that gardens make a significant contribution to the character and appearance of the borough and accords with the guidance in the London Plan Housing Supplementary Planning Guidance (2016) (SPG) on private garden land development.
9. Whilst the Inspector that determined the previous appeal for a dwelling on the appeal site did not specifically refer to back garden development as an issue, and notwithstanding my Inspector colleague's references to 'appearance' to which the appellant draws my attention, it is clear from paragraph 5 of my colleague's decision that the effect on both the character and appearance of the area was a reason for the dismissal of that appeal.
10. The proposed development would truncate the rear garden of No. 7 which would result in the remaining garden area and the appeal plot being of a size

² APP/H5960/A/03/1113781 and APP/H5960/A/03/1123974

that would be at odds with the prevailing pattern of development in the area. Whilst a sizeable garden would remain for No. 7 and the proposed dwelling would have an outdoor area adequate for play, sitting out and drying clothes, both areas would be significantly smaller than the gardens of other properties in the immediate vicinity. Furthermore, the proposed dwelling would result in a cramped form of development, inconsistent with the spacious pattern of development in the locality.

11. I acknowledge that, in an attempt to address the reasons for the dismissal of the previous appeal for a dwelling on this site, the proposed dwelling would be single-storey and located behind the existing wall / fence to Bank Lane, which would be retained in the proposals. The dwelling would not be substantially higher than the wall / fence, and it would therefore not be prominent in the street scene. Although of a larger footprint, being single storey, it would have a lesser effect on the open appearance of the area that would have resulted from the previous proposal for a 2-storey dwelling.
12. However, although closer in size to Nos. 9 and 11, and the dwellings just within the entrance to the Sports Ground off Bank Lane, the size of the proposed dwelling would be substantially smaller than that of the majority of the dwellings in the locality. This was a concern expressed by the Inspector that dismissed the previous appeal. The reduction in the height of the proposed dwelling exacerbates rather than addresses this concern.
13. The proposed development would not be entirely hidden from view and would be noticeable from Bank Lane as well as from windows in the rear elevations of a number of the properties along Roehampton Gate, as would the reduced plot size for No. 7. It would be readily apparent as a dwelling when the gate to the parking space was open rather than appearing as a garden building.
14. I concur with the view of the Inspector that determined the previous appeal for this site that, although the appeal property has a main entrance off Bank Lane, it principally addresses Roehampton Gate and so reads more as part of that street scene than Bank Lane. The vehicular access to the property is off Roehampton Gate. The only other dwellings fronting Bank Lane are Nos. 9 and 11. Whilst the Inspector that determined the appeals for these properties concluded that the introduction of frontage housing on that site would not amount to a substantive change in the character of Bank Lane, the Inspector that determined the previous appeal for the site before me considered that the facing of a new dwelling to Bank Lane would emphasise its out of place appearance. I also concur with that view; although the proposed dwelling would be behind the front boundary wall / fence, in addressing Bank Lane, most noticeably via the access, the dwelling would be at odds with the prevailing pattern of development in the area.
15. Whilst paragraph 117 of the Framework promotes an effective use of land in meeting the need for homes and other uses, it also requires decisions to safeguard and improve the environment. I therefore find no support for the proposal from this paragraph taken as a whole. Likewise, overall I also find no support for the proposal from Policy 3.4 of The London Plan which, although requiring development to optimise housing output, also requires local context and character to be taken into account.

16. The appeal site currently functions as part of a garden and as a contributor to the character and appearance of the area. Notwithstanding that the density of development in the area is low and falls below that set out in Table 3.2 of The London Plan³ (2016), I therefore do not consider the site to be under-utilised in terms of paragraph 118 of the Framework.
17. I therefore conclude that, notwithstanding the reduction in height from the previous proposal and the retention of the front boundary wall / fence, the proposed development would be harmful to the character and appearance of the area. It would therefore be contrary to Policies 3.5 and 7.4 of the London Plan which set out, amongst other things, that the design of all new housing developments should enhance the quality of local places taking into account a number of factors including local character and should have regard to the existing pattern and grain of the existing spaces and streets.
18. The development would also conflict with Policy IS 3 of the Wandsworth Local Plan Core Strategy (2016) which, notwithstanding that it sets out that designs and layouts that make efficient use of land will be promoted, also requires the layout, form and design of new buildings and the spaces around them to contribute positively to the local environment. It would also conflict in this respect with Policy DMS 1 of the DMPD which, amongst other things, requires the layout and arrangement of buildings to ensure a high level of physical integration with their surroundings and the scale, massing and appearance of the development to provide a design and layout that contributes positively to local spatial character. It would also conflict with criterion iv. of Policy DMH 4, which requires that proposals for new build accommodation provide a layout and building form that reflects local character.
19. The approach of these policies is consistent with paragraph 127 c) of the National Planning Policy Framework (the Framework), which requires planning decisions to ensure that developments are sympathetic to local character, including the surrounding built environment, whilst not discouraging or preventing appropriate change, such as increased density. Therefore, whilst the Core Strategy and DMPD predate the current Framework, in accordance with paragraph 213 of the Framework, I do not consider these policies to be out-of-date and so give these policies full weight in this appeal.
20. Furthermore, the proposed development would not accord with the Council's Housing SPD or the London Plan Housing SPG in this respect, or with paragraph 127 c) of the Framework as the proposal, given my conclusion above, would not represent appropriate innovation or change.

Other Matters

21. The Framework sets out the Government's objective of significantly boosting the supply of housing. The appellant draws my attention to the Council's Strategic Housing Market Assessment which identifies a need for 3-bedroom homes and to the need indicated in the Core Strategy for family-sized homes. The proposed development would accord with Policies 3.3 and 3.8 of The London Plan and Policies IS 5 and PL 5 of the Core Strategy in this respect.

³ The Spatial Development Strategy for London Consolidated with Alterations since 2011

22. The development would be accessible and would contribute to the economy of the area through its construction and from the future occupiers of the dwelling. The proposed green roof could increase the biodiversity of the site and the development would be energy efficient, both of which would be consistent with the approach of The London Plan, the Core Strategy and the Framework to these matters. These are benefits of the proposal to which I give significant weight.
23. The proposal meeting the technical standards including space and access, the proposed courtyard garden providing for play and the fact that the existing trees adjacent to the site are not proposed for removal are not benefits of the development. The proposal would not generate significant additional traffic, noise or air pollution nor adversely affect the living conditions of the occupiers of neighbouring dwellings and, from the appellant's evidence, the site is not at risk of flooding, but these represent a lack of harm rather than benefits. I therefore give these matters neutral weight in my determination. I acknowledge that neither the design of the proposal nor conflict with Policy 7.6 of The London Plan form part of the reason for refusal.
24. The proposed dwelling would be significantly lower than the garage permitted on the appeal site. However, it would have a greater footprint and I concur with the views of the Inspector that determined the previous appeal for this site that a dwelling would have a fundamentally different effect in functional and operational terms. The pitched roof of the approved garage would reflect the prevailing roof form in the area. Accordingly, the garage does not justify the proposal before me as a fallback position even if it were to be built were permission not be granted for the proposal before me.
25. The appellant has submitted a UU with the appeal, undertaking not to construct the garage permitted at 2 Roehampton Gate were permission to be granted for the proposed development in the absence of any future planning permission for the garage. However, the UU provided to me relates to the previous application, Ref: 2017/3686, not the application the subject of this appeal. I am therefore unable to take it into account in my determination of this appeal. Even if I could, the limited benefit of not constructing the garage which has been considered to be acceptable would not overcome the harm to the character and appearance of the area that I have identified above.

Planning Balance and Conclusion

26. The proposed development would have some social, economic and environmental benefits and thus some support from the development plan and the Framework. However, these would be only modest benefits and, even in combination, would not overcome the harm to the character and appearance of the area that I have identified above and consequent conflict with policies of the development plan and the Framework in this respect.
27. Therefore, for the reasons given above, and having had regard to the other matters raised, the appeal is dismissed.

Martin Small

INSPECTOR