



Appeal Decision

Site visit made on 25 February 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th March 2020

Appeal Ref: APP/H5960/W/19/3242346

51-53 Longley Road, London, SW17 9LA

- 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 Sajid Ali of Prime Asset Holdings Ltd against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2019/2254, dated 22 May 2019, was refused by notice dated 18 July 2019.
 - The development proposed is described as "*erection of 4no. affordable wheelchair user residential units (4 x 2 bed 4 person units) in a two-storey building at northern end of the rear garden of 51 – 53 Longley Road SW17 9LA, together with associated garden landscaping and cycle parking*".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted a Unilateral Undertaking (UU) that would secure the proposed dwellings as affordable housing in perpetuity. The UU is signed and dated, and I have taken it into account in reaching my Decision.

Main Issue

3. The main issue is whether the circumstances of this appeal justify an exception to Policy DMH 4 in relation to the development of housing on private residential gardens.

Reasons

4. Policy 3.5 of the London Plan states that Boroughs may introduce a presumption against development on back gardens or other private residential gardens in their Local Plans where this can be locally justified. In this regard, Policy DMH 4 of the Wandsworth Development Management Policies Document (2016) states that "*Residential development, including new build and conversions, will be permitted on appropriate sites (which excludes residential gardens), where the following criteria are satisfied*". This wording is clear that residential gardens are not considered 'appropriate sites' for new housing. The supporting text to this policy further states that "*the development of back gardens is therefore generally regarded as an inappropriate form of development in the borough*". The development would be on residential garden land it would therefore be in conflict with Policy DMH 4.

5. Policy DMH 4 is consistent with the most recent iteration of the National Planning Policy Framework ('the Framework'). In this regard, Paragraph 70 of the Framework advises that Local Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example, where development would cause harm to the local area.

Character and appearance

6. The appeal site consists of an area of garden land at the rear of Nos 51-53 Longley Road. The properties along the street are traditional in character and are served by generous back gardens.
7. The development would introduce a large structure to the rear of Nos 51-53 that would occupy the width of the plot. It would have a significant built footprint and would be clearly visible from the rear of neighbouring properties fronting Longley Road and Trevelyan Road. At present there are no backland structures of this size within the block, and the area has an open and tranquil character. In this context, the development would appear as an unduly large and alien insertion that would draw the eye. It would visually intrude into the open area at the rear of the properties and would harmfully dominate its surroundings. The proposed green roof, lowered ground floor levels, and Landscape Strategy would not sufficiently mitigate its impact in my view, and it would be a discordant feature at odds with the prevailing pattern of development. Domestic lighting in this position would also be intrusive at night when the garden areas would otherwise be characterised by darkness.
8. My attention has been drawn to other backland developments in the vicinity, including those to the rear of properties on the other side of Longley Road. The full details of those cases, including their planning history and the reasons for their approval, are not before me. I further note that most of those examples abut the railway line and so are set within a different context. As set out above, there are also no comparable developments located within the same block as the appeal site.
9. The site is currently in a disused state and is fenced off from the remaining garden area to Nos 51-53. However, its current condition and state of disuse could be resolved through appropriate maintenance and management. I therefore attach little weight to its current condition.
10. The area does not benefit from Conservation Area status, or any local character designation. However, that does not mean that the character of the area does not merit protection.
11. Reference is made to emerging Policy H2 of the Draft London Plan which relates to small sites. This policy states that it should be recognised that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites. However, in this case, I consider that the development would represent a significant departure from the established character of the area.
12. For the above reasons, I conclude that the development would significantly harm the character and appearance of the area. It would therefore be contrary to Policy IS 3 of the Wandsworth Core Strategy (2016), Policy DMS 1 of the Wandsworth Development Management Policies Document (2016), and guidance contained in the Wandsworth Housing Supplementary Planning

Document (2016). These policies and guidance seek to ensure, amongst other things, that the layout, form and design of new buildings contribute positively to local spatial character.

Affordable wheelchair housing

13. The development would consist of 4 wheelchair user dwellings constructed to Requirement M4(3) of the Building Regulations. The dwellings would also be affordable rented units and would remain so in perpetuity. In this regard, the appellant has submitted evidence of significant need, both nationally and locally, for this type of housing. In particular, my attention has been drawn to a 52% rise in the number of households registered on the local physical disability queue housing waiting list over the last 5 years (from 55 to 84). Whilst I note that these figures relate to both Richmond and Wandsworth, they nonetheless indicate a significant local need for this type of dwelling. In this regard, the proposal would provide dwellings that could accommodate around 5% of those households. In these circumstances, the type of housing that is proposed is a clear benefit that weighs in favour of the development.

Other Matters

14. Domestic activity associated with the development would be unlikely to result in any significant noise or disturbance to neighbouring occupiers. The proposed gable ends would also be relatively low and would face onto the far ends of the adjoining gardens, away from the properties themselves. Accordingly, any overbearing impact would be limited in my view.
15. The appeal site is within walking distance of both a tube and an over-ground station, a local centre, and regular bus services. It has a PTAL 4 rating and is clearly in a highly accessible location.
16. The appeal site consists of a residential garden in the built-up area and therefore falls outside of the definition of 'previously developed land' set out at Annex 2 of the Framework.

Overall Balance and Conclusion

17. As set out above, the development would significantly harm the character and appearance of the area and would involve the development of residential garden land. It would be contrary to the development plan in this regard. Set against this, the development would provide 4 wheelchair accessible affordable units that would contribute towards meeting a significant need for this type of housing. The development would also be in a highly accessible location and would involve the redevelopment of a small housing site, as is encouraged in the Draft London Plan.
18. On balance however, and taking all matters into consideration, I conclude that the harm caused by the development would outweigh its benefits. Accordingly, the material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.
19. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR