The Planning Inspectorate

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: 16th April 2020

Appeal Ref: APP/H5960/W/19/3242746
10-12 Salcombe Gardens, 57 Clapham Common North Side, London, SW4 9RY

- 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 N Kusturovic of Gladbrook Developments Limited against the decision of the Council of the London Borough of Wandsworth.
- The application Ref 2019/3107, dated 12 July 2019, was refused by notice dated 12 November 2019.
- The development proposed is alterations including erection of replacement front boundary wall, automatic gates clad in natural stone, wrought iron side gate, vehicle turntable, paved landscaping and refuse storage in front garden (part retrospective).

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development given above is taken from the Council's Decision Notice and the Appeal Form. This reflects alterations that were made at application stage and the proposal was determined on this basis.

3. There are a number of differences between the submitted plans and some of the works that have already been undertaken on site. In this regard, the site currently has an open frontage and it contains a taller brick wall next to the steps than is indicated on the submitted plans. At present, it also does not contain a reinforced grass lawn, vehicular turntable, or diagonal footpath. However, these plans were considered by the Council when determining the application and were also submitted with the appeal documentation. Accordingly, I have determined the appeal based on the submitted plans.

4. The site has been subject to a previous appeal decision (Ref APP/H5960/W/18/3205208), which was dismissed, for a similar development to that currently proposed. That scheme also included a parking space, a vehicular access point, and a turntable, although timber entrance gates and large areas of paving were also proposed. Whilst I have taken the previous Inspector's findings into account, I have nonetheless reached my own findings based on the circumstances of the present case and the information that is before me.

Main Issues

5. The main issues are whether the development would, firstly, preserve or enhance the character or appearance of the Clapham Common Conservation Area and, secondly, prejudice highway safety.

Reasons

Conservation area

6. The appeal site is located within the Clapham Common Conservation Area, which encompasses the western half of the common and a large number of grand historic houses around it. These properties are constructed in a variety of styles although they mostly consist of large terraces. The significance of the conservation area stems from its well-preserved buildings and spaces that reflect the historic development of the common and its surroundings.

7. The appeal property consists of a traditional 3 storey terrace that faces onto the common. It is situated within a row that is set back from the road and contains generous front garden areas. This part of the terrace has a relatively continuous and uniform front boundary that is characterised by a low wall, brick piers, and hedging above maintained at an even height. The symmetry and uniformity of the boundary treatments and front gardens is a pleasant feature that contributes positively to the character and appearance of the conservation area.

8. The proposal would authorise the removal of the front boundary wall and hedge, which would be replaced by an automatic gate clad in natural stone. This would create a gap in the otherwise continuous hedge running along the front boundary of the terrace, including to the properties on either side. This gap would be conspicuous from the street and would harmfully disrupt the uniformity of this part of the terrace. It would also expose the garden area behind it, including the proposed parking space. Any vehicle parked in that position would be clearly visible along the street and would appear as a prominent, alien feature. In this regard, there are no other comparable parking spaces along this part of the terrace, and the nearby school has a separate character. Moreover, the provision of additional planting along the side boundaries, and within the garden area itself, would not significantly mitigate the impact of the development in my view.

9. The proposed parking area and vehicle turntable would be covered in a reinforced grass lawn. In this regard, the appellant states that a hardy grass species would be used and that a management plan could be secured by condition to ensure its appropriate maintenance. However, I have concerns as to whether this arrangement would maintain the appearance of the front garden area. In particular, were a vehicle to be parked there for an extended period (e.g. when the occupier was on holiday) then the grass beneath it would be starved of light and it would be likely to deteriorate. This would leave unsightly discoloured patches and expose the turntable and hardstanding beneath. No details have been provided of any grass species that could thrive in this environment, and it is unclear whether any reasonable management measures would be capable of addressing this matter. Whilst the appellant has provided a photograph that purports to show reinforced grass that is regularly parked on, it is unclear where this image was taken or how frequently that space had been used.

10. In addition, I have concerns about the difference in appearance between the proposed areas of AstroTurf, and the natural grass closer to the road, whose colour would alter according to the season. This contrast would be apparent from the street and would result in a disjointed appearance. Whilst the appellant states that reinforced grass could be provided in raised beds set 200mm off the ground, that would significantly increase the height of the upper section closest to the property. From the information before me, it is unclear what visual effect this would have.

11. The appellant states that the original front boundary wall to the property had been altered by 2015 and has drawn my attention to images from that time which show a render finish. However, the adjoining properties to the west also have rendered front walls so this would not have appeared out of keeping. In this regard, the use of a natural stone finish to the proposed gates, to match the boundary walls to the east, would be only a modest benefit compared to the previous wall. Separately, no pedestrian gate is shown in the images that have been submitted. However, that is a relatively minor detail, and I do not consider that the introduction of a new wrought iron gate would be a significant benefit in this case.

12. It is asserted that the symmetrical garden design and diagonal path referred to by the previous Inspector have already been lost through the approval of details[1] pursuant to conditions 5 and 8 of planning permission Ref 2014/1701. Those details proposed the removal of the diagonal path and the introduction of new areas of permeable paving. In this regard, the proposed reinstatement of a diagonal path would be a modest benefit of the scheme, albeit it would be interrupted by a change in levels and so would not retain the symmetry referred to by the previous Inspector.

13. In terms of the proposed bin store, this is positioned close to the road and has a simple traditional design. It is also in a similar position to an existing bin store to the adjoining property. Whilst its white render finish unduly increases its prominence, a more appropriate recessive colour could be secured by condition. Accordingly, this feature would not be harmful to the character and appearance of the conservation area in isolation. Separately, I see no reason to doubt that the proposed turntable would default to a pathway aligned position when not in use, and in any case, this could be secured by condition.

14. My attention has been drawn to a planning permission[2] relating to No 56 Clapham Common North Side, which is in the same terrace as the appeal property. That permission, which appears to have been implemented, also proposed a parking space and a vehicle turntable in the front garden area. However, the front boundary treatments at that end of the terrace have a different character and are less consistent in their appearance. That proposal also involved the replacement of an existing front timber fence, which is not the case here. Accordingly, I have come to my own view on this matter rather than relying on the approach the Council may have taken elsewhere.

15. For the above reasons, I conclude that the development would fail to preserve the character and appearance of the Clapham Common Conservation Area. This harm would be 'less than substantial' in the context of Paragraphs 195-196 of the National Planning Policy Framework ('the Framework'). However,

[1] Ref 2015/0551
[2] Ref 2013/3853, approved on 11 February 2014

the modest public benefits associated with the proposal would not outweigh this harm.

16. The development would therefore be contrary to Policies PL 1 and IS 3 of the Wandsworth Core Strategy (2016), Policies DMS 1, DMS 2 and DMH 5 of the Wandsworth Development Management Policies Document (2016), and guidance in the Framework relating to designated heritage assets.

Highway safety

17. The appeal site would be accessed directly from Clapham Common North Side which is a busy main road. It is also in close proximity to a pedestrian crossing, a school entrance, and an electric vehicle charging point. The number of vehicle and pedestrian movements in this location, from a number of directions, would significantly increase the risk of collisions should reversing manoeuvres be undertaken from the site. It is therefore necessary to ensure that any vehicles parked there would be able to enter and leave in a forward gear.

18. The proposed vehicle turntable would have a diameter of 3.8 metres. In this regard, Transport for London ('TfL') state that it would only be able to accommodate a small car, and that a larger vehicle may be unable to use it. Whilst the tracking provided by the appellant shows a hatchback using the turntable, it appears to only just fit, and it is unclear whether a larger saloon car or a 4x4 would be able to turn using it. This arrangement could therefore result in larger vehicles reversing back out onto Clapham Common North Side, which would be unsafe. In this regard, it is unclear why a larger turntable has not been considered.

19. Following negotiations at application stage, TfL withdrew its earlier objection subject to the imposition of 3 planning conditions. One of these would have required that all vehicles enter and exit the site in a forward gear. This would effectively limit the size of a vehicle that could use the parking space, which would prevent users of the turntable from acquiring a larger family car or 4x4. This would be an unreasonable imposition in my view.

20. Separately, I accept that a remote control fob system could be used to control access to the parking space. In this regard, the neighbouring property at No 56 uses a similar system and no evidence has been put to me that this has resulted in any issues. This arrangement would also avoid the need to keep the gate open when the parking space was not in use. However, that does not alter my other concerns regarding the development, as set out above.

21. The previous Inspector did not consider highway safety to be a Main Issue and dismissed the appeal solely on heritage grounds. However, neither the Council nor TfL raised any highway safety objections to that proposal, and it is unclear whether the information that is before me was put to that Inspector. I have therefore come to my own view on this matter.

22. For the above reasons, I conclude that the development would be likely to prejudice highway safety. It would therefore be contrary to Policy DMT 1 of the Wandsworth Development Management Policies Document (2016), which seeks to ensure that new development is served by a safe and suitable access.

23. In this regard, Paragraph 109 of the Framework is clear that *"an unacceptable impact on highway safety"* is sufficient grounds to refuse permission. That is a

separate matter from *"residual cumulative impacts on the road network"*, also discussed in Paragraph 109, which should not be *"severe"*.

Conclusion

24. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR