



# Appeal Decision

Site visit made on 15 September 2020

**by S Dean MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1 October 2020**

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**Appeal Ref: APP/H5960/D/20/3254720**

**86 Ellerton Road, London SW18 3NJ**

- 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 Kok-Weng Lee against the decision of the Council of the London Borough of Wandsworth.
  - The application Ref 2020/0947, dated 9 March 2020, was refused by notice dated 7 May 2020.
  - The development proposed is "demolition of front garden wall, new front garden enclosures, dropped kerb and new hardstanding".
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## Decision

1. The appeal is allowed and planning permission is granted for demolition of front garden wall, new front garden enclosures, dropped kerb and new hardstanding at 86 Ellerton Road, London SW18 3NJ in accordance with the terms of the application, Ref 2020/0947, dated 9 March 2020, subject to the conditions in the schedule attached to this decision.

## Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

## Reasons

3. The appeal site is a mid-terraced property within the Wandsworth Common Conservation Area (the CA). The Wandsworth Common Conservation Area Draft Appraisal G Ellerton Road statement (the CADA) notes that the special appeal of the area is the mixture of late Victorian and more modern houses, well set-back from main roads, with generous front and rear gardens. The CADA notes that front gardens and street trees are an important feature of the area and highlights the removal of boundary detailing as a threat to the special interest of the area.
4. From my observations on my site visit, the appeal site lies within a terrace of similar cottage-style red-brick 2-storey properties. Along with the adjacent terrace, the dwellings form an attractive set-piece, showing a clear element of designed-in character and symmetry extending from No 80 to No 98. In my opinion, the significance of the CA as a heritage asset, that is, this character and symmetry is found in the form, design and appearance of the buildings, and not, in the case of the appeal site and its immediate surroundings, necessarily in the boundary treatments themselves. However, I do consider that the clear demarcation between the public and private domain, that is, the

pavement and front gardens, is an important element of the character of the CA.

5. In both the wider Ellerton Road CA, and the immediate environs of the site, boundary treatments have been variously removed, reduced, altered or replaced, and there are a not insubstantial number of parking areas in former front gardens. Despite that however, the clear separation between public and private remains.
6. As such, whilst the appeal site as a whole makes a positive contribution to the significance of the CA as a heritage asset, and to the character of the CA, I do not consider that the front boundary wall, which differs to that of the neighbouring properties, makes a similarly positive contribution.
7. In reaching this conclusion, I acknowledge that the part of Ellerton Road opposite the appeal site is not within the CA; my conclusions are based upon that part of Ellerton Road that is within the CA. I note the comment of the Council that some of these changes do not benefit from planning permission. However, there is no suggestion that they are the subject of any enforcement action, and in any event, as I have established, there is no consistent style or character to front boundary treatments or to front gardens.
8. Whilst part of the front boundary would be removed, a gate and wall would remain. As a result, the overall impression, of a cottage set back from the road and separated from the public domain by a front boundary, would remain. I consider that the completed form of the development would not be dissimilar to many similar alterations along Ellerton Road, within the CA. I do not agree that the parking of a car in the space that would be created would dominate the setting of the house. In my opinion, the houses are of a clearly different scale to cars and have a presence and character which would not be overpowered by the presence of a car parked in the former front garden. This is clear from those houses within the CA which already have hard-standings. I also note that planting is proposed to part of the front garden.
9. Having regard to the great weight to be given to the asset's conservation, in my opinion, the appeal proposal would have a neutral effect on the significance of the CA as a heritage asset and would not cause any harm to that significance. The proposal would therefore preserve the character of the CA.
10. I therefore consider that the proposal would accord with Policies DMS1, DMS2 and DMH5 of the Wandsworth Local Plan Development Management Policies Document (Adopted March 2016). These policies seek, amongst other things, to ensure that development is of high quality, contributes positively to local spatial character and is well designed. In dealing with the historic environment, these policies seek to preserve the setting and significance of heritage assets, have regard to the existing character of the area, and to ensure that hard-standings do not dominate the appearance of front gardens. I also consider that the proposal accords with the aims of National Planning Policy Framework (the Framework) to conserve and enhance the historic environment.

## **Conditions**

11. Beyond the standard conditions relating to time for implementation, matching materials and compliance with the submitted plans, the Council has suggested a condition to be attached, should planning permission be granted. I am satisfied that it is necessary to ensure that the development appropriately deals with surface water drainage.
12. I have added a condition seeking approval for the detailed design of the proposed front wall. In my view this would be necessary to make the development acceptable in planning terms, to ensure the satisfactory appearance of the completed development and to preserve the character of the CA, in light of my conclusions on that character set out above. This is particularly important as the proposal is ambiguous as to whether or not the existing boundary would be altered and retained or newly built to the extent shown on the plans. This information would be required prior to the commencement of the development, as the appropriateness of the design is important to preserve the character and appearance of the CA, and these are matters which could not properly be addressed at a later date. Overall, I consider that the conditions imposed meet the tests in, and requirements of both the Framework and the Planning Practice Guidance.

## **Conclusion**

13. For the reasons given above I conclude that the appeal should be allowed, and planning permission granted.

*S Dean*

INSPECTOR

### **Schedule of Conditions**

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. That the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
3. No development, including the demolition of the existing wall, shall take place until details of the design of the front wall including drawings at a suitable scale have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
4. That the development hereby permitted shall be carried out in accordance with the following approved plans: PGA001.
5. The hardstanding hereby approved shall be constructed of permeable material to assist with SUDs and shall be so maintained.

### **End of Schedule of Conditions**