The Planning Inspectorate

# Appeal Decision

Site visit made on 6 October 2020 by Hannah Ellison BSc (Hons) MSc MRTPI

**Decision by K Taylor BSc (Hons) PGDip MRTPI**

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

**Decision date: 19 November 2020**

**Appeal Ref: APP/H5960/W/20/3250452**
**Garages north of 8 Buckmaster Road, London SW11 1EN**

- 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 Ronnie Beacon against the decision of the Council of the London Borough of Wandsworth.
- The application Ref 2019/4346, dated 3 October 2019, was refused by notice dated 5 February 2020.
- The development proposed is described as 'to add an additional storey to previously granted scheme 2019/0762. Demolition of 2 existing garages and construction of a new 3 storey, 3 bedroom dwelling house with garden and basement'.

## Decision

1. The appeal is dismissed.

## Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

## Main Issues

3. The main issues are:

   (i) Whether the proposal would preserve or enhance the character or appearance of the Wandsworth Common Conservation Area, and

   (ii) The effect on the living conditions of occupiers at Nos 145 and 147 Battersea Rise, with particular regard to outlook.

## Reasons

4. This appeal concerns 2 single-storey garages located on Buckmaster Road, to the rear of No 145 Battersea Rise. The site is within Sub Area J: Bolingbroke Grove of the Wandsworth Common Conservation Area (the CA) whose significance is principally derived from the relationship between the grid pattern of residential streets with Victorian terraces providing the main housing stock, and the presence of Wandsworth Common. The appeal site is in a poor state of repair and is located just within the boundary of the CA. There are limited views of the site from other parts of the CA. Taking these factors into account, the site makes a minimal contribution to the significance of the CA.

5. Permission is sought to demolish the existing garages and erect a 3 storey detached dwelling. There is a previous approval at the appeal site for a detached 2 storey dwelling[1] (the 2019 approval).

[1] Application ref: 2019/0765

*Character and appearance*

6. To the rear and side of the appeal site are the rear gardens of properties on Battersea Rise. Immediately beyond the gardens to the rear is a cemetery. These undeveloped spaces with large mature trees are readily apparent and, along with the low profile of the existing garages, creates a sense of openness and spaciousness to this part of the street scene.

7. The proposed dwelling would fill a considerable amount of the appeal site and it would be 3 storeys in height (excluding the basement). Due to the site's constrained size the dwelling would appear tall and narrow from the side, whereas it's front elevation would be considerably wider. This would fail to reflect the prevailing pattern of development in the locality and would therefore interrupt the strong rhythm in the street scene. Due to its scale, massing and flat roof design, the proposed dwelling would be a bulky addition which would appear cramped within its limited plot and would therefore be an intrusive feature which would appear at odds in the immediate locality.

8. The proposal would also significantly restrict views beyond it due to its substantial scale, thus reducing the ability to appreciate the wider surrounding landscape qualities which contribute positively to the street scene. As such, this proposal would be an overly dominant and incongruous addition which would fail to reflect the character of the street scene.

9. The 2019 approval is of a similar design however it is of a reduced 2 storey scale and would therefore appear commensurate with the small plot and allows for greater views beyond it. The second floor of the appeal proposal would be set-in from the main northern elevation however it would be of a nominal amount. Whilst the diagonal transition would follow the same angle of the hipped roof to No 8 Buckmaster Road, it would not be significantly prominent nor read as a continuation of the building as it is set away from it considerably. The additional floor would therefore read as a full second floor, rather than a subservient addition, and would contribute significantly to the substantial bulk of the proposed dwelling. The choice of materials would not overcome the adverse effects as described. Its overall scale would therefore reduce the positive spacious quality of this part of the street scene.

10. My attention has been drawn to examples of other developments. Whilst I have been provided with images and excerpts from officer's reports and Inspector's decisions, the information is limited and I do not have the full details and cannot therefore be certain that the exact circumstances and context under which they were approved are directly comparable to the appeal proposal. Additionally, the evidence before me suggests that some examples are not located within the CA. Accordingly, the examples do not serve to justify the appeal proposal and I have determined it on its own merits.

11. In terms of the approach set out in the National Planning Policy Framework (the Framework), despite the minimal contribution of the site to the significance of the CA, for the above reasons the proposal would cause less than substantial harm to the CA's significance as a designated heritage asset. The Framework is clear that irrespective of the level of harm, great weight should be given to the asset's conservation and, where a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

12. This proposal would provide a new dwelling in an accessible location and would increase the number of bedrooms from the 2019 proposal. Nevertheless, due to the small scale of this proposal this public benefit would be limited. It is acknowledged that the appeal site is currently in a poor state of repair and it has been suggested that this proposal would improve the appearance of the site. However, the 2019 approval would also do this whilst also achieving a more appropriate scheme in terms of the effect on the character and appearance of the area. As such, taken both individually and cumulatively, this proposal would result in limited public benefits.

13. Taking all the above into consideration, the proposal would neither preserve nor enhance the character or appearance of the CA. Consequently, it would conflict with Policies DMS1 and DMS2 of the Wandsworth Local Plan, Development Management Policies Document (March 2016) (the DMPD) and the Framework which collectively seek, amongst other things, that the scale, massing and appearance of the development contributes positively to local spatial character and sustains, conserves and, where appropriate enhances the significance, appearance, character and setting of the heritage asset.

*Living conditions*

14. Nos 145 and 147 Battersea Rise are located to the north of the appeal site. They are substantial 3 storey buildings which appear to be converted into self-contained flats, with living accommodation in both the lower ground and roof levels. The rear of the buildings, at lower ground, ground and part first floor, project beyond the main rear elevation.

15. The massing and layout of the ground and first floor of the appeal proposal remains similar to the 2019 approval. The proposed second floor would be set-in thus resulting in a staggered north elevation, and this section would be partially finished in cladding. Despite these efforts to mitigate its visual dominance, the proposal would nevertheless add considerably more massing to the 2019 approval. The proposed dwelling would have a significant bulk and height and would be within very close proximity to the shared boundaries and gardens, and rear windows of Nos 145 and 147. The resultant dwelling would therefore be of a significant scale and, given the close relationship, would result in an overbearing sense of enclosure to neighbouring occupiers.

16. It is suggested that upward views from the rear windows of No 145 would remain largely unchanged from the 2019 approval, with the exception of the lower ground level flats of No 145 whose views would already be interrupted by the 2019 approval. Be that as it may, it remains that the proposed dwelling would result in an uninviting direct eye-level outlook, particularly from the ground and first floor windows of Nos 145 and 147, due to its overall scale and close relationship. Whilst the existing outlook for occupiers of Nos 145 and 147 is of the gable of No 8 Buckmaster Road, it is a considerable distance away and does not therefore currently result in an overbearing sense of enclosure.

17. My attention has been drawn to separation distances in other examples of developments, particularly at No 1a Bennerley Road where it is suggested that a 14m distance has been accepted. As noted above, the information before me is extremely limited and I cannot be certain that they are directly comparable to this appeal. Nevertheless, even if the approved interface distance between the side elevation of the example noted and neighbouring habitable room windows is lower than the proposal before me, I have also found that the

appeal dwelling would be within very close proximity to the rear gardens of Nos 145 and 147, thus also resulting in an overbearing sense of enclosure in this regard. As such, I have determined the appeal on its own merits.

18. Due to its overall scale, massing and positioning, the proposed dwelling would cause unacceptable harm to the living conditions of occupiers at Nos 145 and 147 Battersea Rise, with regard to outlook. It would therefore conflict with Policy DMS1 of the DMPD whose purpose, amongst other things, is to ensure developments do not harm the amenity of occupiers of nearby properties through overshadowing and unsatisfactory outlook.

**Conclusion and Recommendation**

19. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

*Hannah Ellison*
Appeal Planning Officer

**Inspector's Decision**

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*K Taylor*
INSPECTOR