



Appeal Decision

Site Visit made on 16 March 2021

by P W Clark MA(Oxon) MA(TRP) MRTPI MCM

an Inspector appointed by the Secretary of State

Decision date: 31st March 2021

Appeal Ref: APP/H5960/W/20/3259628

3 Louisville Road, London, SW17 8RL

- 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 Christopher Pannell against the decision of London Borough of Wandsworth.
 - The application Ref 2019/5289, dated 31 December 2019, was refused by notice dated 23 September 2020.
 - The development is installation of iron railings on top of an existing brick wall to front boundary of property and installation of new iron gate to match.
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Decision

1. The appeal is allowed and planning permission is granted for installation of iron railings on top of an existing brick wall to front boundary of property and installation of new iron gate to match at 3 Louisville Road, London, SW17 8RL in accordance with the terms of the application, Ref 2019/5289, dated 31 December 2019.

Procedural Matter

2. The development had been carried out at the time of my site visit.

Reasons

3. The sole main issue in this appeal is the effect of the proposal on the character or appearance of the Heaver Estate Conservation Area, an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance. The significance of the Conservation Area is that it represents one of the highest quality areas of late nineteenth century suburban housing in the borough of Wandsworth.
4. According to the Council's Heaver Estate Conservation Area Appraisal and Management Strategy (the CA Appraisal), its quality was originally manifest in much decorative detail and in the unifying influence given to the dozen or so different house types comprising the estate by a common front boundary treatment consisting of low brick walls surmounted by cast iron railings to similar designs framing cast iron gates and backed by privet hedges.
5. That was then. Its current character is somewhat less unified because, as the CA Appraisal again remarks; other than bomb damage, the most noticeable change brought about by the Second World War was the removal of the decorative cast iron railings and gates from the fronts of the houses.
6. The passage of time has brought other changes. Few houses within the vicinity of the site now retain their privet hedges. There are at least six different types

of front boundary wall to the first dozen or so houses within Louisville Road from its junction with Balham High Road. The houses themselves now have a variety of façade treatments; the appeal site displays painted brick; others are fully or partly rendered and painted; some are fully or partly pebbledashed; only one nearby retains its brickwork in its original state. Other than the underlying architecture, uniformity is not currently characteristic of this part of the Conservation Area.

7. The appellant's claim that, prior to the development being carried out, the front boundary had no hedge and no railing and that the front area was, in consequence, subject to flytipping and anti-social behaviour is corroborated by other local residents and not disputed by the Council. Notwithstanding the Council's comment that the greater feeling of security engendered by the railings installed is a private benefit, the elimination of flytipping and anti-social behaviour is a public benefit to be taken into account.
8. The gate and railings installed are not replicas of the original design which featured a rose-like medallion within a frame. Instead, they are a more commonplace spearhead design. Consequently, their erection is contrary to the (now superseded) London Plan policy 7.8(C) and to policy DMS2(b)(ii) of the Wandsworth Local Plan Development Management Policies Document (the DMPD) adopted in March 2016. This requires the reinstatement of features and elements that contribute to the significance of a heritage asset but which have been lost.
9. Their installation causes harm to the Council's aspirations for a restoration of the original design to the whole Conservation Area but, notwithstanding their conflict with development plan policy, they have caused no actual harm to the character and appearance of the Conservation Area as it existed immediately prior to their installation and as it exists now. Indeed, they represent an enhancement, albeit not one as great as that sought by the Council. The planting of the privet hedge behind the railings takes account of the Conservation Area Appraisal which notes such as a characteristic of the original layout of the estate and so complies with DMPD policy DMS2(a)(ii) and the (now superseded) London Plan policy 7.4B(e). The other two DMPD policies referred to in the Council's decision notice do not appear to have specific relevance to the proposal.
10. The London Plan (2016) policies referred to in the Council's decision letter have now been superseded but an examination of the relevant policy (HC1(C)) in the recently published London Plan (2021) which requires development proposals affecting heritage assets to conserve their significance by being sympathetic to the assets' significance and appreciation within their surroundings, avoiding harm and identifying enhancement opportunities by integrating heritage considerations early on in the design process, does not lead me to conclusions other than those I have reached.

Conclusion

11. Applications and appeals must be determined in accordance with the development plan unless there are material considerations which indicate otherwise. A material consideration in this case is that the development which has been carried out has brought about an enhancement to the locality and the Conservation Area in which it is sited, albeit not the greater enhancement which the Council seeks. To withhold consent would not bring about that

greater enhancement, it would simply give an opportunity for the Council to consider using its discretionary enforcement powers to require a reversion to the situation before the development took place, a situation which, by general consent, is less desirable than that now existing. This material consideration causes me to conclude that, in this particular case, this appeal should be decided other than in accordance with the development plan. No conditions are necessary, as the development has been carried out.

P. W Clark

INSPECTOR