

Appeal Decision

Site visit made on 7 May 2021

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 14 June 2021

Appeal A Reference: APP/H5960/W/20/3251775

10 Broadway Lofts, Gatton Road, London SW17 0EE

- 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 Beira Ventures against the decision of Wandsworth Council.
 - The application (reference 2019/4448, dated 8 October 2019) was refused by notice dated 9 December 2019.
 - The development proposed is described in the application form as "*Alterations including 2 lower ground floor extensions and the formation of 3 lightwells with railing surround and stepped access to provide 4 residential dwellings in the form of 3 x 1 bed flat; and 1 x 2 bed flat*".
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Appeal B Reference: APP/H5960/Y/20/3251776

10 Broadway Lofts, Gatton Road, London SW17 0EE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Beira Ventures against the decision of Wandsworth Council.
 - The application (reference 2019/4459, dated 8 October 2019) was refused by notice dated 9 December 2019.
 - The works proposed are described in the application form as: "*Alterations including 2 lower ground floor extensions and the formation of 3 lightwells with railing surround and stepped access to provide 4 residential dwellings in the form of 3 x 1 bed flat; and 1 x 2 bed flat*".
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Decision

1. The Appeals are dismissed.

Main issues

2. The first main issue to be determined in these appeals is the effect of the proposed works on the listed building and its setting. The second (in the case of the planning appeal) is whether the scheme would provide satisfactory living conditions for occupiers of the proposed new residential accommodation.

Reasons

3. The appeal site is located in a closely built-up area of Tooting which is predominantly characterised by residential terraces that were laid out either side of the busy A24 Upper Tooting Road during the nineteenth century. The

- mainly residential roads include schools, religious buildings and other communal facilities, with a range of retail and commercial premises concentrated along the main road. The location is well served by public transport, with the railway at Tooting Broadway Underground Station and with good bus links on the highway network.
4. Gatton Road adjoins the north-west frontage of Upper Tooting Road, with terraces of modest Victorian houses along most of its main frontages. The south-east part of the road has a more mixed northern frontage, however. Here, there is a small modern block of flats on the corner with Fishponds Road and a mix of buildings (including a new school and a mosque) closer to the junction with Upper Tooting Road. Between these, there is a large building at the appeal site, now identified as 'Broadway Lofts'.
 5. 'Broadway Lofts' is listed (Grade II) as a building of special architectural or historic interest. It dates from about 1900 and was built as a school in a rather grand "Northern Renaissance" style, with complicated decorative details. It is a very large building, with high windows and three principal storeys, extending into an elaborate roof structure. There is a basement under the central part of the building.
 6. Planning permission was granted in 2001 for the building to be converted to create thirty-two flats and a nursery school, and planning permission has also been granted for the conversion of the basement to form an additional flat. Part of the original site has been taken up by a new school and other development has also taken place, with the result that the listed building now stands on a somewhat constricted site. It is set back from Gatton Road by a narrow strip of land that is screened on the site boundary.
 7. It is now proposed to construct additional space at the "lower ground floor" level, to create four new flats beneath the existing structure. Outside the structure, new lightwells would be excavated (protected by railings), to provide light and access to the new dwellings.
 8. Provisions in the Planning (Listed Buildings and Conservation Areas) Act 1990 impose obligations on those considering whether to grant planning permission and listed building consent for development or works (respectively) that would affect a listed building. In such cases, it is necessary to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.
 9. Those formal requirements are reinforced by the 'National Planning Policy Framework', especially at Section 16, which emphasises the importance of conserving and enhancing the historic environment, though it also points out the desirability of putting a heritage asset to its "optimum viable use" as does the 'Planning Practice Guidance'.
 10. The 'National Planning Policy Framework' (which was revised in February 2019) also promotes good design more generally, emphasising the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards overall, which includes providing good standards of accommodation in new dwellings.

11. Policies in the Development Plan also reinforce the underlying principles that are established in the primary legislation and which underpin the national and local aims of encouraging good design. Notably, Policy IS3 of the 'Wandsworth Local Plan Core Strategy' (adopted in March 2016) draws attention to the need for good quality design while making effective use of land and buildings. More detailed criteria are to be found in various Policies in the 'Wandsworth Local Plan Development Management Policies Document' (likewise adopted in March 2016). Thus, Policy DMS1 deals with general development principles and protecting residential standards, while Policy DMS2 is concerned with heritage assets. Policies DMH4, DMH5 and DMH7 deal with specific aspects of residential development, in turn.
12. 'The London Plan' sets out Policies for London as a whole and it further emphasises the need for more new homes to be built. At the same time, it points out the importance of good design and reinforces the planning principles that are expressed in the 'National Planning Policy Framework' and in local planning policies.
13. The 'Wandsworth Local Plan Supplementary Planning Document Housing' (which was adopted in November 2016) is also relevant, though it does not have the same force as Policies in the Development Plan.
14. The proposed new flats are described in the application form as being at "lower ground floor" level but, in reality, they would be substantially below the existing ground level at approximately the same level as the existing basement (as described on plan). Areas in front of the new flats would be excavated, to permit access and to create light wells for habitable rooms.
15. Thus, the affected elevations of the listed building would be extended down to the basement level in a manner that would imitate the historic architecture. This would create an awkward and incongruous design, however, and it would undermine the architectural coherence of the original concept. The alterations would harm the appearance of the Gatton Road elevation and would further erode the relationship between the listed building and its setting, by taking up the space at the edge of the site, even if a substantial screen were to be retained on the boundary, as at present.
16. Moreover, the living conditions to be created for occupants of the new flats would be very unsatisfactory. There would be only a series of narrow and cramped exterior spaces outside habitable rooms and those spaces would be partially taken up by stairs. The spaces would be deep below footpath level, while screening to protect privacy would exacerbate the sense of enclosure and interment. In effect, either light or privacy would need to be sacrificed. Moreover, although the area of the sunken spaces would exceed the minimum recommendations for outdoor space, I am not persuaded that such spaces can readily be equated to balconies or open garden areas, in terms of their genuine qualities (notwithstanding the planning permissions, to which I have been referred, that have previously been granted in the vicinity).
17. Evidently, the appeal site lies within an established urban area, where good use needs to be made of development opportunities, to meet the undeniable need for new homes. Four new flats would be created but they would be very poor

quality subterranean dwellings and real harm would be caused to the listed building and its setting.

18. Hence, I have concluded that the appeal scheme conflicts with the aims of the primary legislation and with national and local planning policies (including the Development Plan). It ought not to be allowed, therefore, and both the appeals are to be dismissed. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C Shrimplin

INSPECTOR