



Appeal Decision

Site Visit made on 13 July 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2021

Appeal Ref: APP/H5960/W/21/3269877

Land adjacent 147 Lavenham Road, London SW18 5EP

- 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 Neil Robertson against the decision of London Borough of Wandsworth.
 - The application Ref 2020/3397, dated 11 September 2020, was refused by notice dated 9 November 2020.
 - The development is a proposed newbuild dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the appellant's name from the appeal form as it is incomplete on the application form.

Main Issues

3. The main issues are:
 - Whether the proposed development is an appropriate location for housing with regard to the development plan;
 - The effect on biodiversity; and
 - The effect of the proposed development upon the character and appearance of the area.

Reasons

Appropriate location for housing

4. The appeal site comprises a parcel of land located between a block of apartments fronting Merton Road and a pair of semi-detached dwellings. The site previously formed part of the amenity space for the apartments but has since been fenced off and is overgrown.
5. The Council's Housing Supplementary Planning Document (SPD) sets out guidance relating to the development of garden land. The SPD largely resists the redevelopment of gardens but indicates that areas of garden divided or fenced off before 8 February 2012 are not considered to form part of the curtilage of the dwelling.

6. The appellant contends that the appeal site was fenced off and not used as a garden prior to 8 February 2012. The Council does not dispute this and there is nothing before me to indicate otherwise. There is no credible evidence to indicate that residents of the apartments have access to the site, despite the presence of the gate. Moreover, given its overgrown appearance it is not an attractive environment or usable space for residents who would be unlikely to use it for any form of recreational activity.
7. Consequently, taking into account the length of time that the site has been fenced off and not used by residents and its physical appearance, in my judgement, the appeal site does not constitute a residential garden as defined by the SPD. As such, I find that the proposed development would not result in the loss of garden land.

Biodiversity

8. Whilst the existing site is overgrown, I have no compelling evidence to indicate that it is a habitat for species or that it contributes towards biodiversity in the area. The proposal would include new soft landscaping which could be satisfactorily secured by condition, if I were minded to allow the appeal, which would likely result in biodiversity benefits and mitigate the effects of climate change.
9. I conclude that the proposed development would accord with Policy DMO4 of the Development Management Policies Document (2016) (DMPD) which, amongst other things, seeks biodiversity gains.

Character and appearance

10. Lavenham Road has a tight urban grain largely made up of terraced properties whilst Merton Road is more varied in its architecture. Currently the site, despite its appearance, creates a sense of spaciousness between buildings that positively contributes to the area.
11. The proposed development would not, in my view, make a positive contribution to the street scape or enhance the public realm. I find rather that it would diminish the sense of openness that currently exists through the introduction of an uncharacteristic concentration of built form failing to integrate with existing development in the area.
12. I acknowledge that the proposed development would incorporate sympathetic materials and be energy efficient, incorporate inclusive design, meet external amenity space requirements and future residents would have access to public transport options. However, I find that these factors would not outweigh the harm that I have identified in relation to character and appearance.
13. I conclude that the proposed development would adversely affect the character and appearance of the area contrary to Policies DSM1 and DMH4 of the DMPD and Policy 7.6 of the London Plan which, amongst other things, seek a high level of physical integration with their surroundings and for developments to make a positive contribution to a coherent public realm, streetscape and wider cityscape.
14. I note the council have referred to DMPD Policy DMH5 in the reason for refusal, however, I find that with specific regard to this appeal I have given it negligible weight in coming to my decision.

Conclusion

15. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR