



Appeal Decisions

Site Visit made on 13 July 2021

by **Bhupinder Thandi BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 September 2021

Appeal A - Ref: APP/H5960/W/21/3266797

Land west of Florence Court, 1 Wimbledon Park Road, London SW18 1LS

- 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 HTC Developments Ltd against the decision of London Borough of Wandsworth.
 - The application Ref 2020/1642, dated 11 May 2020, was refused by notice dated 14 July 2020.
 - The development proposed is a 3-storey building (plus basement) to provide 4 residential units comprising 2 x 1 bed flats, 1 x 2 bed flat and 1 x 3 bed flat together with associated bin and cycle storage.
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Appeal B - Ref: APP/H5960/W/21/3267103

Land west of Florence Court, 1 Wimbledon Park Road, London SW18 1LS

- 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 HTC Developments Ltd against the decision of London Borough of Wandsworth.
 - The application Ref 2020/3246, dated 2 September 2020, was refused by notice dated 15 December 2020.
 - The development proposed is a 2-storey building (plus basement) to provide 3 residential units comprising 1 x 1 bed flat, 1 x 2 bed flat and 1 x 3 bed flat together with associated bin and cycle storage.
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Decision

1. Appeal A is dismissed and Appeal B is dismissed.

Procedural Matters

2. As set out above there are two appeals on this site. Appeal A relates to a 3 storey building for 4 flats and Appeal B relates to a 2 storey building for 3 flats. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two proposals together, except where otherwise indicated.
3. The descriptions of development in the headings above have been taken from the planning application forms. However, in Part E of the appeal forms it is stated that the descriptions of development have not changed but, nevertheless, different wording has been entered. Neither of the main parties has provided written confirmation that revised descriptions of development have been agreed. Accordingly, I have used the ones given on the original applications.

4. The revised National Planning Policy Framework (the Framework) has been published since the appeals were submitted. Both main parties have been given the opportunity to comment on this. My decision is made in the context of the revised Framework and I am satisfied that no interested party has been prejudiced by my approach.
5. In respect of Appeal B, the Council's decision notice does not allege harm in respect of the living conditions of existing neighbouring occupiers, even though their evidence refers to harm with regard to privacy and outlook. I have taken this into account in coming to my decision.

Main Issues

6. The main issues in both appeals are:
 - The effect of the proposed development upon the character and appearance of the area including whether it would preserve or enhance the character or appearance of the West Hill Road Conservation Area (CA) and nearby non-designated heritage assets; and
 - The impact of the proposed development upon the living conditions of existing neighbouring occupiers with regard to privacy and outlook.

Reasons

Character and appearance

7. The CA derives its significance from its development as a speculative middle class residential estate and its many differing architectural styles, house types, plots sizes and separation between properties. This results in a varied yet pleasant suburban character.
8. The appeal site is a vacant parcel of land with trees along the highway boundary. From the evidence before me the site was once a garden but has been fenced off from neighbouring properties for a significant period of time.
9. Merton Road has a tighter urban grain whilst Wimbledon Park Road has a greater sense of spaciousness largely derived from the wide road and pavement and the open frontages of dwellings leading to the formal open space at the end of the road. Whilst the site is open, it was not designed as a formal open space and does not frame key views. In my view, the site makes a limited contribution to the overall character of the CA.
10. Neighbouring the site are locally listed properties extending along Wimbledon Park Road. These properties, whilst attractive, are not uniform and have been altered contributing to the prevailing sense of variety in the area.
11. I acknowledge that the proposed developments would diminish the gap between 1 and 3 Wimbledon Park Road. However, I find that this would not unduly harm the character and appearance of the area as a visual break between the proposed developments and No.3 would be retained. This would be comparable to gaps between other properties in the area.
12. Notwithstanding the above, in the case of Appeal A I find that due to its appearance and form the proposed development would result in a building that would appear overly prominent and dominant within the street scene. In respect of Appeal B, I find that the juxtaposition between the taller building at

- No.1 and the rather squat building proposed would appear discordant within the street scene.
13. Whilst there is varying property forms and designs in the area, the relationship with No.1 and the overall form, proportions and extensive use of brick would render both developments awkward and uninspiring presences in the street.
14. I appreciate that the proposed developments are not meant to blend in seamlessly with their surroundings and indeed there are occasions where old and new can sit comfortably side-by-side. However, the form and detailed design of the proposals offer no relationship to neighbouring buildings which compounds the sense of obtrusion and fails to address the transition between properties in the street scene.
15. As such the proposed developments would adversely affect the character and appearance of the area contrary to Policy DMS1 of the Development Management Policies Document (2016) (DMPD) which, amongst other things, seek design led development to ensure a high level of physical integration with their surroundings and the scale, mass and appearance of new developments to contribute positively to local spatial character.

Effect on heritage assets

16. I have paid regard to the submitted Heritage Appeal Statement. However, in light of the above I find that there would be some, albeit localised, harm to the CA. In accordance with paragraph 202 of the Framework, it is for the decision maker, having identified harm to designated assets, to consider the scale of that harm. In this case I conclude that the proposal would lead to less than substantial harm to the significance of the CA. This harm should be weighed against the public benefits of the proposal including, where, appropriate, securing its optimum viable use, which I now turn to.
17. In this regard, the proposal would contribute to local housing supply, but the benefits would be modest given its small scale. I therefore afford it limited weight. Taking into consideration the points above I find that the harm to the CA would clearly outweigh the public benefits of the proposal.
18. The Framework makes it clear at paragraph 203 that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-heritage assets it is necessary to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. In my view, the proposed developments would adversely affect nearby non-designated assets due to their form and appearance.
19. I conclude that the proposed development would cause less than substantial harm to the significance of the CA, failing to preserve or enhance its character and appearance. In the absence of any public benefits to outweigh the harm the proposal would be contrary to DMPD Policy DMS2 which, amongst other things, requires development proposals to protect, conserve and where possible enhance heritage assets and their setting appropriate to their significance. It would also conflict with the Framework.

Living conditions of existing occupiers

20. The proposed developments would include box windows and external terraces facing neighbouring properties. The box windows would be positioned in the side elevation with views towards the frontage of No.3 and the rear gardens of properties on Merton Road. The box windows would face the flank wall of No.3 and its front driveway and garden, which can already be viewed from the public realm. As such, I am satisfied that the box windows would not give rise to unacceptable overlooking and a loss of privacy for the occupiers of No.3.
21. The external terraces would be enclosed by perforated brick balustrades. The height and detail of the balustrades would provide adequate screening to protect neighbouring privacy. There is no evidence before me to suggest the terrace screening would undermine the living conditions of future occupiers.
22. Whilst I accept that in some urban areas there is a degree of mutual overlooking between properties, in this case, the position, form of the box windows and their close proximity to the boundary would result in direct overlooking of the rear gardens of properties in Merton Road. This would result in an unacceptable loss of privacy for existing occupiers.
23. I have paid regard to the submitted analysis which shows that the impact of the development would be negligible in terms of daylight, sunlight and overshadowing. There is no credible evidence before me to doubt its findings. I am satisfied that there would be adequate separation between neighbouring buildings and the proposed development would not result in a sense of enclosure.
24. Notwithstanding the results of the analysis, I find that the development would nonetheless result in significant harm to the living conditions of existing occupiers contrary to Policy DMS1 of the DMPD which, amongst other things, seek to protect the amenity of occupiers and nearby properties through satisfactory privacy.

Other Matters

25. I note the appellant's personal circumstances. However, I am mindful of the advice contained in the Planning Practice Guidance that in general, planning is concerned with land use in the public interest. For this reason, I find that this factor is not sufficient to outweigh the harm that I have identified.
26. The appellant has submitted a financial viability assessment setting out that the dwelling approved on the site is unviable. Whilst I acknowledge that this may be the case, it does not appear that this is a matter disputed by the Council. In any event, I have considered the appeal on its own merits and have given this matter negligible weight in coming to my decision.
27. The proposal would also add to the general availability of local housing in the borough. However, I have not been made aware of any pressing housing need that would justify a scheme that I have found to be harmful.
28. The appellant has made reference to a number of approved planning applications in the area. Based on the evidence before me, I am not persuaded that they are comparable to the scheme proposed and not alter my conclusion. In any event every appeal must be considered on its own merits, as I have done in this case.

29. I acknowledge that the proposed development would prevent fly-tipping, be car-free, provide satisfactory living conditions for future occupiers, incorporate waste and recycling facilities, landscaping and include a sustainable drainage system and green features. However, these factors do not outweigh the harm that I have identified in relation to the main issues and do not lead me to reach a different conclusion.

Conclusion

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

B Thandi

INSPECTOR