



Appeal Decision

Site Visit made on 1 September 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2021

Appeal Ref: APP/H5960/W/21/3266499

86 Clapham Common West Side, London SW4 9AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Kevin Bowen against the decision of the Council of the London Borough of Wandsworth.
- The application Ref 2020/1724, dated 18 May 2020, was refused by notice dated 13 July 2020.
- The application sought planning permission for the excavation of floorspace at basement level, including formation of front lightwell and insertion of new windows/doors, in connection with provision of a one bedroom flat within basement area; erection of a three storey (ground, first and second floor level) rear extension to the side of the back addition to provide additional floorspace for the existing flats without complying with a condition attached to planning permission Ref 2011/5574, dated 27 February 2012.
- The condition in dispute is No 3 which states that: The development shall be carried out in accordance with the approved drawings and specifications, unless approved otherwise in writing by the local planning authority.
- The reason given for the condition is: To ensure a satisfactory standard of development, and to allow the local planning authority to review any potential changes to the scheme.

Decision

1. The appeal is allowed and planning permission is granted for the excavation of floorspace at basement level, including formation of front lightwell and insertion of new windows/doors, in connection with provision of a one bedroom flat within basement area; erection of a three storey (ground, first and second floor level) rear extension to the side of the back addition to provide additional floorspace for the existing flats at 86 Clapham Common West Side, London SW4 9AY in accordance with the terms of the application, Ref 2020/1724, dated 18 May 2020, without complying with condition 3 set out in planning permission reference 2011/5574 granted on 27 February 2012, but otherwise subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The Council objected to the revised design due to, amongst other things the resulting standard of living conditions for future occupiers, with specific regard to outlook. During the course of this appeal the Council conceded that the living conditions for future occupiers would be acceptable. I have no reason to disagree and accordingly, this matter does not form a main issue in the determination of this appeal.

3. A revised Framework¹ was published by the Government between the determination of the planning application and the appeal coming before me. I am satisfied that this latest version of the Framework does not raise any new considerations in relation to this appeal. I have nonetheless referred to the 2021 version of the Framework in my decision.
4. Although the reason for refusal did not reference the previous London Plan², the Council indicated that Policy HC1 of the current London Plan³, which was published after the Council's decision, was relevant to this appeal. A copy of the relevant policy has been provided to me and the appellant. Accordingly, I have referred to the new London Plan in my findings.
5. Notwithstanding the reasons for the appeal scheme, a revised ground floor drawing was submitted as part of this appeal. It shows existing French doors that were omitted in error on previous versions. As this revision does not fundamentally alter the appeal scheme, I am satisfied that it would not prejudice the Council or other parties and accordingly I have taken it into account in my decision.

Background and Main Issue

6. Planning permission has been granted for the excavation at basement level and construction of a three-storey rear extension. Condition 3 of that permission required the development to be carried out in accordance with the approved drawings. The development has been implemented but the works undertaken thus far are not in accordance with these approved drawings. Accordingly, this appeal seeks approval for the revised size and appearance of the development through the submission of an amended design. As the appeal site is in the Clapham Common Conservation Area (CCCA), the main issue is whether the revisions proposed as part of the amended plans would preserve or enhance the character or appearance of the CCCA.

Reasons

7. S.72 of the Act⁴ requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Paragraph 199 of the Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation.
8. The CCCA is characterised by residential style buildings fronting on to the wide, open space of Clapham Common. Properties within it include detached and semi-detached houses and blocks of flats, although the predominant house type is terraced. There is a variety in the appearance and detailing of buildings, with red and yellow brick being a noticeable material on front elevations.
9. The appeal building forms a short terrace of three-storey buildings. Their front elevations are all finished in red brick although the rear elevations and the south side of the appeal building have other finishes. All have front two storey canted bays, finished in white render. The third floors are accommodated

¹ National Planning Policy Framework (2021)

² The London Plan (2016)

³ The London Plan (2021)

⁴ Planning (Listed Buildings and Conservation Areas) Act 1990

discreetly within the roof space and are expressed through gables which rise from the front elevation, above the bays. Set forward of the appeal building, and to its south, is 85 Clapham Common West Side, a substantial detached villa, finished in a yellow brick. Rusticated quoins, decorative eaves and three small dormer windows add to the building's grandeur and prominence. This building is locally listed and together with the appeal building and the rest of the terrace, they contribute positively to both the character and appearance of the CCCA.

10. The extension as originally approved allowed for the continuation of the roof slope over the extension, whereas the revised scheme appears as a parapet wall with coping, set slightly above the building's original eaves level. This revised scheme results in a more obvious demarcation between the original building and the extension. However, a clear differentiation between original and new works can be a legitimate approach when dealing with heritage assets. Indeed, I noted that there are other examples within the vicinity of the appeal site where an extension had been squared-off and the original roof slope did not continue over the extension such that a difference between old and new was clearly discernible.
11. The works to the appeal property are most clearly viewed from Wakehurst Road, which provides a view across the rear of the terrace. Previous works to these rear elevations are generally discrete and do not undermine the overall appearance of the terrace. Given that the extension is sited away from Wakehurst Road and is glimpsed briefly from one angle, I do not consider that it would be likely to attract the gaze of the casual observer to any greater extent than the approved roof slope. As with the previous works to the rear elevations on this terrace, the current proposal would not undermine the overall integrity or appearance of the host building or terrace as a whole. For similar reasons and given its position relative to the neighbour at 85 Clapham Common West Side, it would not cause harm to this locally listed building.
12. When the appeal site is viewed from in front of the property or from further back on The Avenue, the works to the rear are largely imperceptible given the proximity and positioning of 85 Clapham Common West Side relative to the appeal property. The grandeur and detailing of the fronts of the buildings also draws the eye and are more noticeable and prominent than any views of the side/rear of the appeal building. An existing tree to the front of the neighbour further obscures views of the extension at certain times of the year.
13. Although the rear chimney stack has been removed, its height and position relative to the main roof of the property and the two retained chimney stacks to the side, would have ensured that it was largely hidden from wider views of the property. As such, its removal does not compromise the overall appearance of the host building or that of the wider CCCA.
14. Overall, the revised design does not represent a discordant feature and the proposal would preserve the character and appearance of the host property and wider CCCA. Accordingly, the effect of the revised plans would not conflict with Policies DMS1, DMS2 and DMH5 of the Local Plan⁵, which amongst other things, require that development is not overly dominant, is well designed and maintains the special character of conservation areas. The appeal proposal

⁵ Wandsworth Local Plan – Development Management Policies Document (2016)

would also comply with the Council's adopted guidance⁶ which similarly seeks to ensure new development complements the host property and surrounding context. For the reasons given, I also conclude that the proposal would accord with Policy HC1 of the London Plan, which amongst other things, seeks to ensure that new development is sympathetic to the significance of a heritage asset and displays an appreciation of its surroundings.

15. The proposal would therefore accord with the Framework, in particular paragraph 195, which amongst other things seeks to ensure that conflict between a proposal and the conservation of a heritage asset is avoided or minimised.

Conditions

16. As the development has commenced there is no need for me to impose a time limit therefore. However, in the interests of certainty, and in regard to the nature of the appeal scheme, it is necessary for me to include a condition that lists the approved plans.
17. The external walls have largely been constructed but the external works are not complete. Therefore, given the site's sensitive location, it is necessary for me to reimpose the condition requiring the use of matching materials to ensure the development has, and retains, an acceptable appearance.
18. Although the Council has approved an alternative scheme which contains windows on the south elevation, they are controlled by condition. Given the relationship with the neighbour to the south, I agree with the Council that the uncontrolled insertion of windows or glazing on the south elevation could prove to be unneighbourly. I have therefore reimposed the condition restricting the insertion of windows and glazing on the south elevation of the extension, with some minor drafting modifications where this has been necessary.

Conclusion

19. For the reasons given above, and subject to the conditions set out below, the appeal should be allowed.

Stewart Glassar
INSPECTOR

⁶ Wandsworth Local Plan – Supplementary Planning Document: Housing (2016)

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - E/500 Location Plan
 - P/2000 Rev B Basement Plan
 - P/2001 Rev D Ground Floor Plan
 - P/2002 Rev B First Floor Plan
 - P/2003 Rev B Second Floor Plan
 - P/2100 Rev C Elevations (Front, Rear)
 - P/2101 Rev C Elevation (Side)
 - P/2200 Rev B Sections A-A, B-B
- 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or glazed areas, other than those expressly authorised by this permission, shall be constructed on the south elevation.
- 3) The external materials used in the development hereby permitted shall match the type, texture, tone, colour, size and profile of those of the original building and shall be permanently retained thereafter.