



Appeal Decision

Site visit made on 21 February 2022

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2022

Appeal Ref: APP/H5960/D/21/3283165

7 Old Park Avenue, London, SW12 8RH

- 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 Ms Carter Jackson against the decision of Wandsworth Council.
 - The application Ref 2021/3163 dated 2 July 2021, was refused by notice dated 2 September 2021.
 - The development proposed is formation of vehicle hardstanding in the front garden and vehicle access. Alterations to front boundary wall including installation of vehicle access gates and erection of railings over sections of existing front boundary wall.
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Decision

1. The appeal is allowed and planning permission is granted for formation of vehicle hardstanding in the front garden and vehicle access. Alterations to front boundary wall including installation of vehicle access gates and erection of railings over sections of existing front boundary wall at 7 Old Park Avenue, London, SW12 8RH in accordance with the terms of the application ref: 2021/3163, dated 7 July 2021, subject to the following conditions:
 - 1) The development to which this permission relates must be begun not later than the expiration of three years, beginning with the date of this decision;
 - 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted material details and following approved plans: proposed car parking (drawing number 2140/P/100) and proposed front elevation (drawing number 2140/P/101).

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.

Main Issue

3. The main issue is the impact of the proposal upon the character of the host dwelling, streetscene and Nightingale Lane Conservation Area.

Reasons

4. The appeal site is a two storey detached property located off Old Park Avenue which stands within a residential area within the Nightingale Lane Conservation Area (CA). There are several elements to the proposal as noted within the description contained with the header of this decision letter. The Council's delegated report confirms that they find the proposed railings to the front of the property to be of an adequate scale and design to remain subservient to

- the host building and surrounding area and would be of a similar appearance to the existing iron pedestrian gates on site.
5. At the time of my site visit I walked along Old Park Avenue and noted the presence of similar railings on several properties. I also noted other examples of vehicle parking within the front gardens along Old Park Avenue, most notably 20 Old Park Avenue. The appellant has evidenced further examples. The proposed railings and access gates I also find to be of acceptable design and scale.
 6. The refusal reason is therefore relating to distinct elements of the proposal i.e. the provision of hardstanding and the physical parking of a vehicle within the appeal site front garden. For the avoidance of doubt the appeal will focus on these specific elements.
 7. I note from the submission documents that, in 2019, permission was granted for formation of hardstanding in the front garden of the appeal site along with erection of new front railings over dwarf wall and new folding vehicle access gates (2019/2349). The Council's report notes this existing permission but states that it differs as to the location of the hardstanding and is not directly in front of the main architectural features of the house. It is stated that the approved hardstanding and vehicle parking would have been sited behind the 1.9m boundary and not visible from the streetscene. The approved plans before me from 2019/2349 appear to have approved solid gates which would likely have completely hidden a vehicle from views except when entering and leaving the site.
 8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, with respect to any buildings or land within a CA, when considering whether planning permission should be granted, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area. Preservation can be taken to mean doing no harm. I do not find that visibility or change automatically results in harm, it falls to assess the actual impact of the visibility or change proposed.
 9. I note that the CA appraisal (approved in 2007) highlights a strong sense of enclosure and feeling of urbanity magnified by the street trees which tend to fill the available space as well as the narrow, luxuriantly planted front gardens providing another layer of green. At the time of my site visit I noted that the area upon which vehicle parking is proposed is already mainly hardstanding. A parked vehicle would essentially be located between the built form of the side elevation of 5 Old Park Avenue, which projects forward of the two storey side extension at the appeal site, and the original front elevation of the appeal site which would reduce its visual impact within the streetscene.
 10. Front gardens in the area are noted to be largely well preserved, mainly due to their size, but parking within front gardens where large enough, whilst for limited properties, is not completely uncharacteristic for the area. The wrought iron gates, whilst still allowing views into the site, would break up views of a parked vehicle beyond the site boundary and maintain boundary uniformity. In that regard I do not find the appeal proposal to represent notable physical or visual change which would result in harm to the amenity of the property, the visual quality of the streetscene, character and appearance of the area or heritage significance of the CA.

11. Whilst the appeal site is noted within the CA appraisal as being of sufficient architectural and historic interest to be added to the Local List (of townscape importance) when updated I have no evidence before me as to the features upon which this particular interest was noted. On the evidence before me the vehicle parking would be located in front of a two-storey side extension to the host dwelling. The extension in question is a subservient addition which is essentially a more recent addition referred to by the Council, in the application which approved it, as a modern interpretation of the existing NW projection. It does not, therefore, form part of the original architectural features of the appeal site though it does evidently demonstrate matching characteristics to have been deemed appropriate in the first place.
12. Based on this I do not find the proposal would block views of the original façade and, given the extensive frontage associated with the appeal site which curves around Old Park Avenue, I do not find that a single vehicle would dominate the overall front garden space. As a result of this I do not find the proposal would impact upon street trees, green front gardens nor three-storey fronts which are key features noted in the CA appraisal.
13. The proposal would be consistent with Core Strategy 2016 Policy IS3 which seeks to promote good design to protect the varied character and heritage of the borough. The proposal would also be consistent with Development Management Policies Document 2016 (DMPD) Policy DMS1 which requires the appearance of a proposal to contribute positively to local spatial character, DMPD Policy DMS2 which supports applications where they sustain and conserve the significance, appearance, character of the heritage asset and its setting and DMPD Policy DMH5 which allows alterations which are well designed, uses appropriate materials and does not dominate or compete with the original building.
14. The National Planning Policy Framework 2021 (the Framework) is clear, in paragraph 199, that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. I do not find a parked vehicle would be visually intrusive given the site context nor that it would dominate or detract from the frontage area or setting of the host property for reasons outlined above. I do not find the proposal would detract from the visual quality of the streetscene nor that it would cause harm to the character and appearance of the dwelling or wider CA.
15. The Council have not provided any justification or assessment against the Housing Supplementary Planning Document 2016.

Conditions

16. A time condition is attached to comply with section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans and materials is required to control and define the development which is granted consent.

Other Matters

17. I note the appellant's comments regarding the Council's lack of engagement during the application period. This is, however, outside the scope of this appeal. A lack of objection to the proposal is a neutral consideration.

18. For the avoidance of doubt it is specifically noted that permission for the crossover and dropped kerb, and the removal of the existing dropped kerb in front of the outbuilding/garage, is not subject to planning control. This element is therefore outside the scope of this appeal.

Conclusion

19. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

INSPECTOR