



Appeal Decision

Site visit made on 27 July 2022

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th August 2022

Appeal Ref: APP/H5960/W/21/3285124

Skydec Apartments, 30 Heathfield Road, London SW18 3HP

- 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 Zolex Investments Ltd against the decision of London Borough of Wandsworth.
 - The application Ref 2021/3141, dated 30 June 2021, was refused by notice dated 2 September 2021.
 - The development proposed is Proposal for a Ground floor Extension above the existing lower ground floor apartment to comprise of a new 1 no 2 bed Apartment with front and rear balconies.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has provided amended plans with the appeal. These illustrate alterations to the boundary enclosure surrounding a terrace. I consider that as the amendments differ to a sufficient degree from the original proposal, and as no parties have been formally consulted upon, they would be unduly prejudiced by me accepting these. Therefore, I have discounted them as part of my assessment.

Main Issues

3. The main issues are:
 - Whether or not the proposed development would preserve or enhance the character or appearance of the Wandsworth Conservation Area (CA);
 - The impact of the proposal on the living conditions of occupants of Number 7 Skydec Apartments; and
 - Whether or not there is adequate refuse and cycle storage at the site.

Reasons

Character and appearance of CA

4. The appeal site is located within Wandsworth Common CA. The CA is significant for its relationship between the fine-grained pattern of development surrounding the common and the open space of the common. The pattern of streets is mainly in the form of grids, essentially of two to three storey terraces, and semi-detached buildings of Victorian and Edwardian origin. As a

combination of elements, they contribute to the varied tapestry of the historic environment.

5. The appeal site is an imposing modern tower block building located on a busy vehicular junction on the corner with Earlsfield Road and Windmill Road and Heathfield Road. It is visually exposed to the street scene from three sides and appears prominent, made more so given its scale, height and massing set against the more traditional and smaller scale residential vernacular.
6. Land levels around the site allow Flat 4 to sit below pavement level. The existing boundary treatment provides significant screening to the main road as well as existing landscaping in front of the fence. It is also detached from the bulk of the main building and as a whole, it has a discrete appearance to it and subservience to the host building.
7. The adjacent Victorian, more likely Edwardian, terrace of houses is an attractive part of the heritage asset that is the CA. Its consistent height and decorated design details make a positive contribution to the CA. It is not directly seen in the context of the soaring scale and mass of the Skydec Apartments building as the low-level nature of Flat 4 creates a sense of separation between the terrace and the main tower block of flats. The contrast of these buildings when seen from the public realm is therefore less severe. In addition, the existing gap above provides views through the site, contributing to a relatively spacious character.
8. The existing single storey flat has the scale more akin to a domestic garage and is barely noticeable within the street scene. In contrast, the erection of a first floor extension above the flat roof would be visually apparent within the street scene as a consequence of it being seen well above the existing boundary fence and through the natural landscaping.
9. Another level would not correspond with the existing consistent height of the two storey terrace to which it would be seen in context. Nor would it correspond with that of the much larger tower block, thereby creating a jarring effect of heights when seen from the public realm.
10. The terrace currently retains its own historical identity, despite its relationship with Skydec Apartments, and an integral part of the sensitive CA and its recognised significance. By erecting another flat above the flat roof would decrease this open spacing that currently exists above the building. By adding in this level would disrupt the historical integrity of the terrace detrimentally harming the overall heritage value of this part of the CA. No landscaping scheme would mitigate against this adverse effect of the proposal.
11. Furthermore, I share the Council's concerns that the timber louvered screen that would be visible from the street scene would not complement the materials associated with the main building. The existing projecting balconies are recognised for their glazing and metal material. The use of timber louvers, despite having a slight openness to them, at the height proposed, their heavier appearance would not complement the more light-weight appearance of glass and metal balustrades.
12. As the appeal property sits within a conservation area, any development must be considered within the context of Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that I pay particular

attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

13. Paragraph 199 of the Framework advises 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. That is still so, irrespective of whether the potential harm is 'less than substantial'. This harm would be 'less than substantial' and in accordance with paragraph 202 of the Framework, the public benefits must be balanced against any harm found. One new two bed dwelling would add to the Borough's housing stock although as a public benefit, this would have a very limited contribution.
14. Therefore, to conclude on this main issue, a new dwelling in this location would not preserve or enhance the special character or appearance of the CA. It would not meet the broad aims of policies DMS1 and DMH5 of the Development Management Policies Document 2016 (DMPD) or the heritage aims of policy DMS2 of the DMPD, and Policy HC1 of the London Plan. Furthermore, it would not meet the expectations of the National Planning Policy Framework (the Framework) to protect the historic environment.

Living conditions

15. A terrace projecting from a bedroom would afford views to the flat at Number 7 Skydec Apartments due to the configuration of the layout. They have large picture windows providing access into their private amenity space.
16. Even with the use of louvered screening and set back from the edge, it would not be a sufficient height to prevent overlooking and a loss of privacy to the neighbouring occupants to the rear, whose living conditions would be detrimentally harmed as a consequence.
17. Therefore, to conclude on the main issue, the proposed roof terrace with privacy screening would not safeguard the amenity levels of neighbouring occupiers by way of preventing overlooking and a loss of privacy. This would be detrimental to their living conditions, contrary to protecting the amenity of nearby occupants in line with Policy DMS1 of the DMPD 2016.

Cycle and refuse provision

18. From my inspection of the site, one large capacity recycling bin together with two industrial sized household waste containers were positioned in an accessible location. None of the bins were overflowing or the area poorly maintained, even though I appreciate waste collection days are not specified by the parties. Nonetheless, one two bed flat would not generate significant waste that would lead me to the view that the existing facilities could not cope with the additional demand. On this basis I find that there is no conflict with local policy.
19. Upon my inspection of the site, there was no dedicated cycle parking within the under-croft garage. A small number of cycles were secured to pipework in an ad hoc manner. The garage was underused at the time of my visit and even if it were at full capacity, I would reason the large space would be able to accommodate cycle storage particular to the new flat. Therefore, were I minded to allow the appeal, a suitably worded planning condition could be

imposed to ensure cycle parking was acceptably delivered in accordance with paragraph 56 of the Framework.

20. To conclude on this main issue, I am satisfied there is adequate refuse capacity for an additional flat at the site, and a planning condition would mitigate the effects of the proposal in terms of cycle storage. Therefore, the proposal would meet the broad objectives of Policy DMS1 to include waste and recycling storage, and cycle parking can be adequately conditioned to accord with Policy DMT2 of the DMPD 2016.

Other Matters

21. There are no concerns raised by the Council regarding highway safety and I have no reason to disagree with their findings. It would create acceptable internal conditions for the future occupants, and the effect of the proposal on the living conditions of other local residents beyond those I have previously identified, is not in contention between the parties. It would be designed to allow access for all and built using sustainable construction techniques and to low carbon emissions levels. However, these are neutral in the overall planning balance and neither weigh for or against the scheme. It would be located within an area close to local amenities and public services although this would not mitigate the harmful effects of the proposal.
22. The appellant argues in favour of the scheme as they describe the space as 'underutilised'. From my inspection of the site, the single flats detached from the main building have been originally designed with the green flat roof as an integral feature of their concept.
23. I appreciate dialogue between the parties has occurred with the appellant attempting to overcome concerns raised. However, I have reached my own findings on the proposal and find in favour of the Council on the whole.
24. Any disagreements relating to the Council's service should be directed to them in the first instance and is not within my scope to comment upon.

Balance and Conclusion

25. The development could be made acceptable to mitigate the impacts of an additional unit by way of condition to include cycle parking and refuse provision. However, detrimental harm to the character and appearance of the CA and to the living conditions of neighbouring occupants would arise and therefore, I apply significant weight to these harms above the acceptable main issues of the scheme.
26. To conclude, the proposal would thus lead to conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Alison Scott

INSPECTOR

