



Appeal Decision

Site visit made on 3 January 2023

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2023

Appeal Ref: APP/H5960/W/22/3300390

50A Longley Road, Wandsworth, London SW17 9LL

- 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 Silvercrow Ltd against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2021/5562, dated 8 December 2021, was refused by notice dated 18 May 2022.
 - The development proposed is demolition of existing building and erection of two-storey (plus roof) building to provide 1 x 3 bed, 3 x 2 bed and 2 x 1 bed units with associated cycle and refuse storage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Amended plans were submitted during the Council's consideration of the application which made changes to the development including to the design and form of the proposed building. It is clear from the Council's report and decision notice that the proposal was considered with regard to these amended plans. I have determined the appeal on the same basis, and have used the revised description stated on the decision notice and entered on the appeal form which accurately reflects these amendments in the banner heading above.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) the effect of the proposal on the living conditions of the occupiers of neighbouring dwellings with particular regard to outlook;
 - iii) whether or not the proposal would provide adequate cycle storage, and
 - iv) whether or not living conditions for future occupiers of the development would be acceptable with particular regard to the provision of amenity space.

Reasons

Character and Appearance

4. Buildings on Longley Road vary in form and architecture, but they are predominantly of traditional designs and are for the most part arranged on strong building lines fronting the street. A few of the buildings have development to the rear, but most have long gardens. Some of these gardens

do include outbuildings, but these are generally of modest height and scale, and the gardens are largely open, often with mature landscaping. This provides for a generally spacious and somewhat verdant setting to development which is complemented by the open River Graveney and railway line which run to the rear of development on the north eastern side of Longley Road, and there is an attractive openness that I find contributes positively to the character and appearance of the area.

5. The appeal site is to the rear of 50 Longley Road, and includes a detached dwelling which it is proposed to replace with a block of flats. Policy DMH 4 of the Development Management Policies Document 2016 ('the DMP') outlines that residential development will be permitted on appropriate sites (which excludes residential gardens) subject to certain criteria. In this case, the development would be of much larger scale than the dwelling currently on the site, and its footprint would occupy a significant proportion of the existing garden. However, it seems to me that the proposal would essentially comprise redevelopment of an existing residential site, rather than development of a garden which the supporting text to Policy DMH 4 notes is generally regarded as an inappropriate form of development in the borough.
6. Be that as it may, the DMP notes that open spaces between buildings are an integral part of the character and appearance of much of the borough, and the criteria within Policy DMH 4 include a requirement that residential development provides a layout and building form that reflects local character. While the appeal site includes an existing dwelling, this is of modest scale, and is set well in from its boundaries so that there remains a reasonable sense of spaciousness around the building in keeping with its surroundings. In contrast, the development would spread across a substantial proportion of the width of the plot, with only a modest set in to the boundary with 52A Longley Road, and even more limited separation to the boundary with 48 Longley Road. It would also be of considerable depth, with only a very slight set back from the front boundary of the plot and gardens of relatively shallow depth to the rear. As a result, the dwelling would fill the vast majority of the plot, and the minimal spacing around the building would leave little opportunity for landscaping to balance the built form.
7. Moreover, the roof of the building would include a very large flat section which in combination with the front gables and side and rear dormers would add considerably to the mass and scale of the upper part of the building, causing it to appear very bulky and effectively three-storeys in height. These factors would compound its impression of scale relative to its plot, and in my view it would appear uncharacteristically cramped and squeezed onto the site, at odds with the distinctive spacious character that is typical nearby. It would also be wider than 50 Longley Road, and while lower and of lesser maximum depth, I consider that the large upper bulk of the building would be conspicuous and would compete visually with the frontage building. This would further draw attention to the presence and overall scale of development on the site.
8. The appellant suggests that the appeal site cannot be seen between the buildings which front Longley Road, but based on my observations at my visit, there would be views, albeit glimpsed, of the development along the access that runs between 50 and 52 Longley Road. It would also be readily apparent from neighbouring properties and gardens. The presence of 'backland' development here would not in itself be anomalous given the existing dwelling,

and I acknowledge that the architecture of the building would reflect many features of other buildings nearby. Nevertheless, I find in these views that the relatively limited spacing around the building to balance its considerable overall bulk and scale would be conspicuous. In my judgement, the proposal would significantly diminish the existing openness on the site, and would harmfully erode the spacious quality of its surroundings.

9. In reaching this view, I have had regard to examples of other developments in the vicinity of the site referred to by the appellant which I note vary in design and scale. However, the adjacent building to the rear of No 48 is of modest single-storey height, and the dwelling to the rear of No 52 is of similar scale and design to the one on the appeal site. As a result, they are relatively unobtrusive features which have a much lesser impact on the spaciousness of the area than the appeal scheme. Similarly, 42 Longley Road is of modest depth, and has a pitched roof design that does not add so significantly to its upper mass as the roof of the development before me. There are larger developments to the rear of 88 and 94 Longley Road which I note occupy much of their plots and are not set in from the boundaries to their sides. Nevertheless, both of these are two-storey buildings with flat roof forms. In my judgement, this reduces their visual impact in contrast to the bulky roof and three-storey appearance of the appeal development, and they retain a greater impression of subservience to the frontage buildings which helps to moderate their prominence and effect on the spaciousness of the area. Roshni House is a substantial three-storey building, but it is part of a comprehensive development of the wider site together with frontage buildings along Longley Road, and is seen in this context. It also maintains more generous spacing to the boundaries around it than would be provided on the appeal site. The development to the rear of 87 Robinson Road is to the other side of the railway within the neighbouring local planning authority area where it would be subject to different local development plan policies. The circumstances of these developments are not therefore directly comparable to the proposal before me.
10. In addition, Roshni House and the developments to the rear of 88 and 94 Longley Road and 87 Robinson Road do not form part of the immediate street scene around the appeal site where spacious rear gardens are more characteristic. These examples do not therefore offer a compelling justification for the appeal development which I find would appear as an intrusive and incongruous feature to the rear of buildings on this part of the street.
11. I appreciate that the London Plan 2021 ('the LP') promotes the development of small sites to meet housing needs, and at Policy D3 seeks development that makes the best use of land by following a design-led approach that optimises the capacity of sites. The National Planning Policy Framework ('the Framework') similarly encourages the efficient and effective use of land, and highlights the role of small and medium sized sites in meeting housing needs. It further gives support to development of windfall sites, and advises that great weight should be given to the benefits of using suitable sites within existing settlements for homes. However, this support is balanced and qualified alongside requirements seeking to ensure high quality design and appropriate forms of development that respect and are sympathetic to local character. For the reasons set out above, the proposal would not achieve those aims. Neither the Framework nor the development plan advocate optimisation regardless of other requirements, and I do not find that they offer sufficient justification for the harm that would in this case be caused to the character and appearance of the area.

12. For these reasons, I conclude that the proposal would fail to integrate sympathetically with its surroundings, and it would cause unacceptable harm to the character and appearance of the area contrary to Policies PL1 and IS3 of the Core Strategy 2016 ('the CS'), Policies DMS 1 and DMH 4 of the DMP and Policy D3 of the LP. Collectively, these policies broadly seek high quality development that makes effective use of land while protecting and reinforcing local distinctiveness, and sympathetic development that reflects and contributes positively to local character. The proposal would also be contrary to provisions within the Framework seeking development that adds to the overall quality of the area, that is visually attractive as a result of good layout and that is sympathetic to local character.

Living Conditions – Neighbouring Occupiers

13. Although spacing between the development and the boundary with 48 Longley Road would be limited, the building would adjoin only part of the rear of the garden to this neighbour which accommodates a large outbuilding. Given this relationship and noting the separation distance to its windows, I find that the proposal would not cause meaningful detriment to the quality of life of occupiers of No 48 through loss of outlook. I am also satisfied that there would be sufficient separation to the rear of 50 Longley Road to ensure it would not cause unacceptable harm to outlook for occupiers here.
14. However, spacing to the boundary with 52A Longley Road would also be relatively limited, and separation to windows to the side of the adjacent dwelling would be very modest. The development would be much deeper than the existing dwelling on the site, and it would extend some way beyond both the front and rear elevations of No 52A and run along nearly the full depth of its side and rear garden. It would also be higher, and while the appellant suggests that the height difference would not be large, the roof would be of substantial bulk and mass. In comparison to the existing dwelling on the appeal site, the height and considerable depth of the development would result in a much greater degree of enclosure to views from the garden and windows to the side of No 52A, including the first-floor window which appears to be the sole source of outlook for a bedroom. In my judgement, the development in such close proximity to No 52A would result in a highly dominant and overbearing feature that would cause a notable loss of outlook and detract significantly from the living conditions of the occupiers of this neighbour.
15. The developments to the rear of 88 and 94 Longley Road adjoin the boundaries with their neighbours, but the development to the rear of No 88 does not appear to be in similarly close proximity to windows or to adjoin such a significant proportion of the depth of neighbouring gardens as would be the case here. I note that the development to the rear of No 94 sits forward of an adjacent dwelling at the rear of 92 Longley Road, but it would not be significantly deeper. Moreover, the details submitted do not indicate that the dwelling to the rear of No 92 had windows facing the development in that case, nor that the development would have adjoined its garden. Accordingly, there is little evidence of direct compatibility with the individual circumstances of the development before me, and these developments do not alter my assessment of the appeal scheme which I have considered on its own merits.
16. For these reasons, I conclude on this main issue that the proposal would cause unacceptable harm to the living conditions of the occupiers of 52A Longley

Road. Consequently, the development would conflict with Policy DMS 1 of the DMP and Policy D6 of the LP which include requirements that development does not harm the amenity of occupiers/users and nearby properties including through unsatisfactory outlook and overbearing effects, and that it should maximise the usability of outside amenity space.

Cycle Storage

17. Policy DMT 2 of the DMP seeks provision of easily accessible cycle parking in accordance with minimum standards set out in the LP. Policy T5 of the LP further advises that cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards, and that proposals should demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people.
18. The proposal includes 13 secure cycle parking spaces, but 9 of these would comprise lockers for fold-up cycles. The lockers would not accommodate a range of cycles or accord with design standards, and it seems to me that fold-up cycles may not be practical or suitable to meet the needs of all users. Such provision could therefore discourage cycling by some future occupiers of the development who would need to rely on the lockers for cycle storage, and I consider it would not offer a desirable solution. The appellant advises that such provision has been accepted on other schemes in the borough and elsewhere in London. However, I do not have full details of the circumstances which led to these proposals being accepted. In this case, there is no compelling evidence before me to show why adequate cycle parking designed to meet London Cycling Design Standards including provision for larger cycles could not reasonably be accommodated as part of new development on the site.
19. I therefore conclude that the proposal would fail to make adequate provision to support cycling in accordance with the requirements of Policy DMT 2 of the DMP and Policy T5 of the LP, resulting in conflict with these policies.

Living Conditions – Future Occupiers

20. The proposal includes gardens for the 2 ground-floor flats which would provide for dedicated amenity space in excess of the minimum standards sought by Policies DMH 4 and DMH 7 of the DMP. However, the terraces to the 4 upper floor flats would be between around 7.15-7.45sqm, resulting in a shortfall in provision against the 10sqm sought for 1 and 2 bedroom dwellings.
21. That said, the terraces would exceed the lower minimum standards for amenity space indicated by the LP. The site is also within walking distance of nearby public open spaces. Although these areas would not provide a substitute for private amenity space for the exclusive enjoyment of occupiers of the dwellings, they would enable some alternative access to outdoor space that could supplement the provision on site. I also have no firm reason to disagree with the Council that the dwellings would be of a good internal standard.
22. While the shortfall in area of amenity space for the flats on the first and second floors of the development would result in conflict with Policies DMH 4 and DMH 7 of the DMP, I find given these factors that there would not be significant detriment to living conditions for future occupiers of the development.

Other Matters

23. The Environment Agency ('the EA') has objected to the proposal. It indicates that a lesser set back of the development from the River Graveney than usually required could be acceptable in this case, but raises concern that there is insufficient information to demonstrate that the development would not adversely affect the stability of the riverbank, and to demonstrate that the lifetime of the riverbank is commensurate with that of the development. It therefore considers that the proposal could unacceptably increase flood risk.
24. The appellant asserts that the EA has been inconsistent in its approach, referring to other developments nearby. From the details presented though, I do not know what if any information on riverbank structure and stability accompanied these proposals and so I can draw no firm conclusions with the circumstances of the current appeal.
25. In this case, the Council had suggested that the EA's concerns could be dealt with by a planning condition to require further assessment, and details of any necessary mitigation. However, the EA note that the outcome of assessment could indicate a requirement for a greater set back from the riverbank than has been proposed to ensure no adverse effects on its integrity, necessitating alterations to the proposal. Be that as it may, as I am dismissing the appeal for other reasons and it could not alter my decision, it is not necessary for me to consider this matter further.

Planning Balance

26. The proposal would provide a net gain of 5 dwellings of a mix of sizes which would contribute to the supply of housing locally. It would also make effective use of a small, partly developed site in a built up area with a good public transport accessibility level and a range of shops and services within reasonable walking distance. I give great weight to these benefits having regard to objectives in the Framework and development plan which seek to significantly boost the supply of housing and encourage the efficient use of land, particularly in areas with good access to services and public transport, and which recognise the role of small sites in meeting housing needs. However, the proposal's contributions in these regards would be qualified by the modest scale of the development.
27. Set against the benefits of the proposal, I have found that there would be unacceptable harm to the character and appearance of the area and to the living conditions of neighbouring occupiers. Furthermore, provision to support cycling would be inadequate. Taken together, I consider these to be significant limitations of the development proposed, and I give these accumulated matters substantial weight. There would also be conflict with Policies PL1 and IS3 of the CS, Policies DMH 4, DMS 1 and DMT 2 of the DMP, and Policies D3, D6 and T5 of the LP. In addition, there would be a shortfall in the provision of amenity space against the requirements of DMP Policies DMH 4 and DMH 7, albeit that I have found this would not significantly harm the living conditions of future occupiers of the site.
28. Even taken together, I find that the benefits of the proposal are insufficient to outweigh the cumulative harm that I have identified and the resulting conflict with the development plan in these regards.

Conclusion

29. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR