



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: 24 January 2023

Appeal Ref: APP/H5960/W/22/3298047

124 Wandsworth High Street, Wandsworth, London SW18 4JP

- 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 'Harkins' against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2021/5772, dated 20 December 2021, was refused by notice dated 6 April 2022.
 - The development proposed was described as 'double storey extension to existing roof and proposed ground floor, first floor extension and second floor extension to create 11 bed HMO. Retention of the existing office space and façade'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the planning application form, but the description entered on the appeal form is 'Alterations including erection of two-storey extension to main roof; erection of a part single, part-four, part-five storey rear/side extension, with French doors and safety railings to the second and third floor rear elevation; formation of roof terraces at rear first and fourth floor levels in connection with change of use from 6-bed HMO (Class C4) to 11-bed HMO (Class Sui Generis) including retention of commercial unit to front part of ground floor'. This reflects the description stated on the Council's decision notice.
3. However, the appellant has submitted revised plans as part of the appeal which show storage for cycles and refuse and recycling in place of a ground-floor level bedroom, reducing the number of bedrooms within the House in Multiple Occupation ('HMO') from 11 to 10. I am mindful that the appeal process should not be used to evolve a scheme and it is important that what is considered at appeal is essentially what was considered by the Council as local planning authority, and on which interested people's views were sought. However, the revisions in this case relate only to the use of one room. I consider that the reduction of one bedroom would not fundamentally or materially alter the nature of the development overall, and it would in essence remain much the same as that originally proposed and considered by the Council and interested parties. The Council has been able to comment on the revised plans, and I am also satisfied having regard to the nature of the changes that my consideration of these plans would not prejudice the interests of any party who considered the greater occupancy originally proposed. I have therefore determined the appeal on the basis of the amended plans.

Main Issues

4. The main issues are:

- i) the effect of the proposal on the character and appearance of the host property and the Wandsworth Town Conservation Area;
- ii) whether or not the proposal would make adequate provision for refuse and recycling;
- iii) the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular regard to enclosure; and
- iv) whether or not the proposal would provide adequate cycle parking.

Reasons

Character and Appearance

5. The Wandsworth Town Conservation Area ('the CA') is for the most part focused around main thoroughfares, and includes a generally fairly tight-knit mix of residential, commercial, industrial and community buildings and groups of buildings which vary in scale and form, often reflecting their historic role and purpose. In my view, the significance of the CA derives in part from the historic pattern of development, together with the typically traditional architecture, proportions and detailing to many of the buildings which provides for attractive, diverse street scenes.
6. The appeal site is located on Wandsworth High Street and includes a three-storey building with a ground-floor shop front, albeit that this was not in active use at the time of my visit. While the wider street scene is mixed, the building sits at the end of a terrace of relatively similar three and four storey buildings with comparatively narrow shopfronts that run from Carters Yard up to the appeal site away from the main commercial core. The modest width and scale of these buildings provides for contrast with many of the surrounding buildings, including Ford House which adjoins the other side of the appeal site, and they appear as something of a group. The appeal building is a little untidy in its appearance, but not so significantly that I consider it to detract from its surroundings, and as part of this group which add to the diverse pattern of historic development, I find that the site makes a positive contribution to the character, appearance and thus significance of the CA, albeit to a limited extent.
7. The extensions and alterations proposed to the appeal building include two additional storeys, resulting in a five-storey building which would be taller than other buildings in the terrace group between the site and Carters Yard. However, the adjacent building at Ford House is five-storey, and there is little consistency in the height of other buildings nearby. Given this diversity in building heights and that the development would be lower than Ford House, I am satisfied that the height of the building would not in itself be incongruous. The roof would also be recessed slightly from the front of the building, and would be set back relative to the front of Ford House so that this neighbouring building would either screen the development or provide a backdrop to it from many viewpoints, further helping to reduce the visual impact of the additional height.
8. Be that as it may, the appeal building is much narrower than Ford House. Although its height would not be inconsistent with the surrounding roofline, I consider that the two additional storeys relative to the modest width would

unbalance the proportions of the building, causing it to appear somewhat top-heavy and prominent in the terrace.

9. Furthermore, there would be substantial extensions to the rear of the existing ground, first and second floor levels. At ground floor, development would cover the full depth of the plot across nearly its entire width, save for an inset courtyard adjacent to part of the boundary with 122 Wandsworth High Street. There would also be significant increases to the depth of the first and particularly second floor levels, as well as increases to the width of part of the existing first-floor to infill some of the space up to the boundary with No 122. These extensions would effectively obscure the entirety of the existing rear elevation and would add considerably to the depth and overall bulk of the building so that its original form and proportions would no longer be appreciable. I have no firm reason to find that the rear elevation of the building is of particular architectural merit, and the use of consistent fenestration and materials would give a more uniform appearance to the development. In my assessment though, the cumulative extensions to the rear of the building taken in combination with the additional storeys which would add further considerable mass and bulk could not reasonably be described as subservient. I find that they would be disproportionate additions which would be so large as to dominate and overwhelm the host building, and this would far outweigh any enhancement resulting from the tidier appearance of the property.
10. I acknowledge the varying depth and scale of buildings in the vicinity of the appeal site, and I saw some that also fill most if not all of their plots at ground floor level. However, the upper floors of the other buildings in the terrace group between the appeal site and Carters Yard, including 118 Wandsworth High Street, are typically of much lesser depth and overall scale. The substantial bulk and mass of the development would also stand out against these neighbours, disrupting the group and the general pattern of development.
11. In addition, the plans show that there would be fairly significant removal of sections of the existing fabric of the building, including both internal and external walls. I acknowledge that the building is not listed, and I have no firm evidence to show that it is of particular architectural or historic interest in its own right. Nevertheless, the loss of this fabric would further dilute the architectural integrity of the host building which contributes to its character, and by extension to the character of the CA, albeit to a very limited extent, resulting in some further, very limited, harm to the significance of the CA.
12. The extensions and alterations to the rear of the building would not be publicly visible. However, they would be plainly visible from surrounding properties. The additional storeys and consequent unbalancing of the proportions of the building would also be apparent from Wandsworth High Street, including from the opposite side of the street where it would be seen within a normal field of view without need to look upwards particularly. These views contribute to the character and appearance of the CA and are therefore important. In any event, while the restricted visibility of some elements of the proposal would moderate effects on the appearance of the CA, the adverse effects of the proposal on the character and architectural integrity of the host building and pattern of development would harm its character.
13. The appellant has drawn my attention to other permissions for developments which have included additional storeys, but I do not have full details of the

schemes nor the circumstances which led to these decisions which limits my ability to draw meaningful comparisons with the current appeal. From the details that are before me and my observations at my visit though, I note that Ford House is significantly wider than the appeal property, and consequently the effect on its overall proportions would not be directly comparable to the appeal. I acknowledge that 111-113 Wandsworth High Street is part of a terrace of buildings of generally consistent height and that there are public views towards its rear, but it is also a much wider unit. Furthermore, neither of the descriptions of the developments suggest there would be similarly large extensions to the rear of either Ford House or Nos 111-113 in addition to the roof extensions. Accordingly, I find that the effect of these proposals on the host buildings and area can be distinguished from the current appeal, and the fact that upward extensions have been approved locally does not alter my findings that the appeal proposal taken as a whole would detract from the character and the appearance of the appeal building and the CA.

14. The appellant comments that the development would provide a buffer between the two additional storeys that were permitted at Ford House and No 122. However, I cannot be sure from the information before me that the development at Ford House will be implemented, particularly given that the Council indicates that the permission is no longer extant, which limits significantly the weight that I can afford to this factor.
15. In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. I agree with the appellant that the height of the development would not in itself be inconsistent in the streetscene, and I acknowledge the use of materials and fenestration to match the existing building. Nevertheless, I find for the reasons above that the development when taken in combination and as a whole would cause harm to the character and the appearance of the host building and would detract from the character and the appearance of the wider CA to the detriment of its significance.
16. Given the scale of the development and that the effect would be localised, I find that the harm to the CA would be less than substantial in the terms of the National Planning Policy Framework ('the Framework'). Nevertheless, the proposal would conflict with Policy IS 3 of the Core Strategy 2016 ('the CS') and Policies DMS 1 and DMH 5 of the Development Management Policies Document 2016 ('the DMP') which broadly and amongst other things require that development contributes positively to the local environment and character, that it makes effective use of land and buildings without harming local character, and that extensions and alterations to residential properties do not dominate or compete with the original building.
17. The proposal would also be contrary to Policy DMH 5 of the DMP insofar as it sets out that applications will be granted where they sustain, conserve and where appropriate enhance the significance, appearance, character and setting of heritage assets. However, Policy DMH 5 further states that applications will be granted where it is in accordance with the Framework which sets out a requirement to weigh harm to designated heritage assets, which include CAs, against the public benefits of the proposal. I return to this matter in my planning balance below.

Refuse Storage

18. Policy DMS 1 of the DMP includes a requirement for waste and recycling storage facilities on-site unless there are exceptional circumstances. The Refuse and Recyclables in Developments Supplementary Planning Document ('SPD') provides further guidance on provision, but does not indicate specific capacity requirements for HMO developments. In the absence of formal guidance, the Council's Waste Officer suggested that double-occupancy HMO rooms are treated as equivalent to a standard household, and single-occupancy rooms are treated as equivalent to half a standard household. The appellant has not argued that this would be inappropriate, and it would seem to me to offer a broadly reasonable guide. Even on the basis of each of the 10 HMO bedrooms being single-occupancy, this would suggest a total storage requirement on the site equivalent to 5 standard households for the revised proposal.
19. The SPD indicates that developments of 5 or more flats must have suitable and sufficient space to store the likely volume of waste arising each week in bulk bins. The revised plans show storage for refuse and recycling within the ground floor of the building, but this is shown as individual bins, and the layout and need to navigate the fairly narrow internal corridor and doorways means that I consider use of bulk bins is unlikely to be practical. This would not result in direct conflict with the SPD given that there are no explicit standards for HMOs. However, providing refuse and recycling storage for the total development on the site in this way would necessitate collection of a fairly large number of individual dustbins/sacks from a single premises. Moreover, collection from the indicated refuse store would mean passing through 3 internal doors as well as the front door. This would make collection awkward, and in combination with the multiple journeys that would be required to serve the development on the site given the number of receptacles, I consider that this would not be a suitable or efficient arrangement for the collection of refuse and recycling which the SPD advises is essential, and I have no firm details to indicate a suitable alternative collection point.
20. In this regard, I note that the appellant has sought a Certificate of Lawfulness in respect of the use of the ground-floor room at the front of the building as storage. However, the proposal as submitted indicates that this room would remain in shop/office use. I consider that a change to accommodate refuse storage would be a material change to the development that has been applied for, and I am not therefore satisfied that such an arrangement could appropriately be addressed through a planning condition. Given the position of the appeal building adjoining the footway and the total number of rooms, I am also concerned that presenting refuse and recycling on street for collection could result in obstruction and nuisance to pedestrians and surrounding occupiers.
21. I appreciate that there would be demands for refuse and recycling associated with the appeal property currently. However, these would be increased by the proposal, while the outside space which could currently accommodate refuse storage would be significantly reduced in area, and refuse and recycling servicing would in practice need to address the collective demands of the total development on the site.
22. For the reasons above, I conclude that it has not been demonstrated that the proposal would make adequate provision for refuse and recycling to serve the development. The proposal would be contrary to guidance in the Refuse and

Recyclables SPD, and would conflict with Policies IS 3 of the CS and Policies DMS 1 of the DMP which include requirements that development meets the needs of people and are adequately serviced including waste management.

Living Conditions

23. The proposal would result in a significant increase in the height and depth of development on the boundaries with the neighbouring properties to either side of the appeal site. The development would be appreciable from windows to the rear of these neighbours, and given its relative height and depth it would result in a fairly significant increase in the degree of enclosure of oblique views. However, the main outlook from these windows towards the rear would remain so that I do not consider the relationship would be unacceptably oppressive or overbearing, and I have no firm reason to disagree with the Council that the neighbouring properties would retain adequate levels of natural light. Moreover, the site is within a dense town centre location, and I saw that surrounding buildings were similarly of varying depth and height, in many cases with development of greater height and bulk on or very close to the boundaries with neighbours.
24. In this context, I find on balance that the degree of enclosure would not be unusual or unexpected, and I conclude that it would not cause unacceptable harm to the living conditions of neighbouring occupiers. I therefore find no conflict with Policy DMS 1 of the DMP which includes a requirement that development does not harm the amenity of occupiers/users and nearby properties including through unsatisfactory outlook or being overbearing.

Cycle Parking

25. Policy DMT 2 of the DMP requires provision of easily accessible cycle parking in accordance with minimum levels set out in the London Plan. The Council had suggested that a minimum of 11 long-stay and 2 short-stay cycle parking spaces would be required. However, the proposal as amended is for a 10 bedroom HMO, an increase of 4 bedrooms over the existing HMO on the site which does not appear to benefit from dedicated secure cycle parking. In this context and given that cycle parking would serve individual occupiers of the development without collective servicing requirements in contrast to refuse and recycling, I am not persuaded that it would be reasonable to necessarily require cycle parking to serve all occupiers.
26. I am satisfied that the spaces indicated on the revised plans within the ground floor of the building would be of sufficient area to accommodate at least the cycle parking requirements associated with the additional rooms on the site, with further details of the form and arrangement secured by planning condition. As highlighted by the Council's Transportation Officer, there is also short-stay cycle parking on Wandsworth High Street close by that could additionally serve visitors. On that basis and having regard to the existing development on the site, I consider that the proposal would make adequate provision for cycle parking, and would appropriately support use of sustainable travel modes by future occupiers of the development.
27. I therefore find no conflict in this regard with Policies DMS 1 or DMT 2 of the DMP insofar as they include requirements broadly seeking easily accessible cycle parking and to minimise car use.

Planning Balance

Heritage Balance

28. The harm to the CA would be less than substantial. Nevertheless, the Framework outlines that great weight should be given to the conservation of designated heritage assets which are irreplaceable, and the harm to the CA attracts considerable importance and weight.
29. Set against this harm, the proposal would make effective use of a previously developed site to provide additional HMO accommodation within an accessible location with good access to local services and public transport. In these regards, it would accord with objectives within the Framework, including seeking to significantly boost the supply of homes and to provide housing for different groups. In addition, the Council has not disputed that delivery by 2020 of non-self contained household spaces which would include HMOs had been less than half of the target within the CS. The Council has commented that the target was not derived from an assessment of need, and that the overall housing target has been met. However, the proposal as amended would in any event provide only 4 additional HMO bedrooms, and I find that the extent of the benefits associated with the provision of additional accommodation and effective use of the site would accordingly be limited.
30. There would be economic benefits including spending and creation of employment opportunities during construction, and on occupation through future occupiers utilising local facilities and supporting businesses. However, these would also be very limited given the small scale of the development, and the construction-stage benefits would further be temporary. Community Infrastructure Levy payments and additional Council Tax revenues associated with the proposal would reflect increased demand for services from the development, and are not therefore matters to which I afford weight in favour of the proposal. Similarly, the absence of identified harm to ecology, and that the development would comply with building regulations requirements including in relation to reducing carbon emissions are neutral factors which weigh neither for nor against the proposal.
31. Even on the basis of under-delivery of HMO accommodation against targets of the scale asserted by the appellant and attaching great weight to the benefit of additional HMO rooms, the weight to the modest combined public benefits of the proposal would not in my assessment be sufficient to outweigh the less than substantial harm that would be caused to the CA. The development would therefore conflict with the aims of the Framework as it would fail to sustain the significance of the CA, and public benefits would not outweigh the harm.

Overall Balance

32. The Framework encourages upward extensions of premises for housing. However, it qualifies this by indicating that such extensions should be well-designed and consistent with the prevailing height and form of neighbouring properties and the overall street scene. Similarly, while it advises that innovation or change such as increased densities should not be prevented or discouraged, this is dependent on the innovation or change being 'appropriate'. Notwithstanding my finding that the height of the development would not in itself be inconsistent with the street scene, the proposal would not achieve those aims. It would cause unacceptable harm to the character,

appearance and significance of the CA, and there would not be adequate provision for refuse and recycling.

33. Although I have found that the proposal would not unacceptably harm the living conditions of neighbouring occupiers and there would be adequate provision for cycle parking, I find that the proposal would conflict with the development plan when it is read as a whole. Material considerations, including the Framework, would not outweigh this conflict nor the adverse impacts of the proposal, and do not therefore indicate that a decision contrary to the development plan should be reached.

Conclusion

34. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR