



Appeal Decision

Site visit made on 27 January 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 24 February 2023

Appeal Ref: APP/H5960/W/22/3296549

94 Bolingbroke Grove, London SW11 1DB

- 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 Ann Nealon against the decision of Wandsworth Council.
 - The application Ref 2021/3892, dated 18 August 2021, was refused by notice dated 22 October 2021.
 - The development proposed is the demolition of existing garage fronting Bennerley Road and erection of new two bedroom dwelling house. Change of use from B8 to C3
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 10th February 2023

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a Daylight Impact Assessment with the appeal. As part of the appeal, the Council has had the opportunity to comment on this. I am therefore satisfied there is no risk of prejudice if I take the assessment into account and have determined the appeal on this basis.
3. The Council refers to policies of the Wandsworth Publication Version Local Plan. This is currently at the examination stage and has not yet been adopted by the Council as part of its development plan. Accordingly, I can only give such policies limited weight in the decision-making process.

Main Issue

4. The main issues are: (i) whether the proposal would preserve or enhance the character or appearance of the Wandsworth Common Conservation Area; and (ii) the effect of the proposal on the living conditions of neighbouring occupiers, with regard to outlook and light.

Reasons

Conservation Area

5. The site comprises a flat roof garage on land on the northern side of Bennerley Road, largely screened from the street by a boundary wall and access gate. It sits between the property at No. 1A Bennerley Road, and the rear garden of No. 94 Bolingbroke Grove within the Wandsworth Common Conservation Area

(the CA). The surrounding section of the CA is residential in nature, defined by traditional style dwellings sited in a grid layout.

6. Dwellings on Bennerley Road vary in height. However, those towards the western junction have a pleasing sense of consistency in scale that flanks the street and mirrors the generously sized properties of Bolingbroke Grove. They are set back from this built form to the west, providing an openness that forms an important, positive contribution to the area. I found it to mark a transition from the nearby Wandsworth Common area to the more built up residential street beyond, lending a spacious feel to this section of the street and allowing both the dwellings themselves and their collective consistency to be experienced. While the garage adjoins No. 1A, its modest scale ensures that it does not detract from the immediate openness and uniformity.
7. The proposal would replace the garage with a dwelling, with materials and with fenestration to complement adjoining properties. It would occupy the same footprint as the garage and maintain an element of grid layout. However, its two storey nature with mansard roof would make it a more dominant feature. Even acknowledging the submitted Massing Study, due to its scale it would be a prominent addition, visually eroding the openness between No. 94 Bolingbroke Grove and a significant portion of the property at No. 1A Bennerley Road. While some degree of intervening setback would remain at these properties, in notably reducing the openness the proposal would impact the spacious feel, leading to this part of the street appearing more cramped, particularly alongside the more spacious setback opposite.
8. Planning permission has been granted at the site for a two storey dwelling, including basement level, with apex roof and rear dormer on the same footprint as the proposal. The proposal incorporates design features that better assimilate in the surrounds. However, even acknowledging its rear dormer, the approved dwelling would be much less visually prominent. In addition to being of a smaller height, the apex front roof would reduce its visual impact on the street and the openness at this location. The greater scale of the proposal, set largely flush with the street, would be more visually disruptive, causing greater harm in this regard than the approved dwelling.
9. I note that, compared to the approved dwelling, the increased height of the proposal attempts to respond to the scale of the surrounding Bennerley Road properties. However, I do not find that it does so successfully. While it would be a similar height to No. 7 Bennerley Road, this serves as a transition among varying property heights, whereas the proposal would be experienced solely alongside more sizeable properties of uniform height, appearing as a disjointed addition. As such, like the approved dwelling, it would remain notably different in scale to immediate adjoining properties, but it would also cause further erosion than the approved dwelling to the openness and spaciousness of this section of the street.
10. For these reasons, the proposal would be a visually intrusive feature. It would cause visual harm to the site and the contribution it makes to the surrounding character and appearance. As such, it would neither preserve nor enhance the character or appearance of the CA. Its effect would be localised such that it would be 'less than substantial' harm. Nevertheless, the Framework makes it clear that great weight should be given to the conservation of heritage assets.

11. Paragraph 202 of the National Planning Policy Framework (the Framework) specifies that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposal would provide an additional dwelling, adding to the housing mix of the area, along with providing employment during its construction. Nevertheless, given the single dwelling nature of the proposal and the modest, short-term employment it would generate, I do not consider that these benefits would outweigh the harm identified to the heritage asset.
12. For the reasons given above I find that the development would fail to preserve or enhance the character or appearance of the CA. As such, it would fail to accord with Policies DMS1 and DMS2 of the Wandsworth Local Plan Development Management Policies Document and the Supplementary Planning Document: Housing insofar as they seek to ensure development integrates with its surrounds and sustains, conserves and, where appropriate, enhances the significance, appearance, character and setting of heritage assets.

Living Conditions

13. The erection of the proposed dwelling adjacent to the rear boundary of No. 94 Bolingbroke Grove would, as a result of the flank wall, inevitably create a change in the outlook experienced by residents from the rear garden and rear elevation windows of this property.
14. The outlook from these locations currently features clear views of the large, brick elevation of No. 1A Bennerley Road. While the proposal would not match the height of this building and features a mansard roof, it would nevertheless result in a sizeable element of solid built form running across much of the eastern property boundary, notably closer to the rear facing windows and directly abutting the rear amenity space. Even acknowledging the dormer element of the approved scheme, this flank wall of the proposal would be greater in height than both the current garage and approved scheme, without the level of visual relief afforded by the approved apex roof.
15. While some windows on the rear elevation of No. 94 feature landings or are of obscured glazing, others serve habitable rooms. From these locations, even those on the main rear elevation of the property behind the rear return, and particularly from the back garden, the introduction of this level of solid built form in such proximity would read as overbearing and oppressive.
16. The proposal would also introduce a wall adjacent to the rearmost section of No. 95 Bolingbroke Grove. However, this would largely be located at the south-eastern section of the associated rear amenity space. As such, it would not unduly obstruct the direct views taken from its rear elevation windows, and much of the southern boundary of this garden would also remain free from additional built form. Accordingly, it would not unduly impact the outlook of, or create an undue sense of enclosure for, residents of this property.
17. The Council has raised further concerns regarding the impact of the proposal on daylight and sunlight with regard to the ground floor rear windows of No. 94. However, the appellant has submitted a Daylight Impact Assessment. This finds that no adverse effects in this manner would arise on Nos. 94-96 Bolingbroke Grove as a result of the proposal, having assessed the potential effect on both the rear windows and back gardens of these properties. In the

absence of substantive, technical advice to the contrary I attach significant weight to the findings of this assessment. As such, even acknowledging its orientation and position, I do not consider that the proposal would result in adverse impacts to surrounding residents with regard to light.

18. For the reasons given above, I find that the development would not have a significant adverse effect on the living conditions of residents at No. 94 Bolingbroke Grove with regard to light or residents of No. 95 Bolingbroke Grove with regard to outlook. However, it would have a significant adverse effect on the living conditions of No. 94 Bolingbroke Grove with regard to outlook. As such, it would fail to comply with Policy DMS1 of the Wandsworth Local Plan Development Management Policies Document and the Supplementary Planning Document: Housing insofar as they seek to ensure development does not harm the amenities of nearby properties.

Planning Balance and Conclusion

19. I have found that the proposal would be acceptable in terms of its effect on the living conditions of residents at No. 94 Bolingbroke Grove with regard to light and residents of No. 95 Bolingbroke Grove with regard to outlook. This represents a lack of harm, which is neutral in the overall planning balance. Nevertheless, I have found that the proposal would result in harm to the living conditions of No. 94 Bolingbroke Grove with regard to outlook and harm caused by the failure of the proposal to preserve or enhance the character or appearance of the CA, which is not outweighed by identified benefits.
20. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR