



Appeal Decision

Site visit made on 24 January 2023

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2023

Appeal Ref: APP/H5960/W/22/3301345

Front of St. Boniface Social Club, (next to 171) Mitcham Road, London SW17 9PG

- 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 Fr S Varkey against the decision of the London Borough of Wandsworth.
- The application Ref 2021/3360, dated 26 June 2021, was refused by notice dated 23 December 2021.
- The development proposed is described as 'Erection of two-storey building plus roof to front of St. Boniface Social Club Hall to create 2 x 1 studio flats with associated outside amenity space. Part change from Social Club (Class F1) to residential (Class C3).

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve the setting of the Grade II listed buildings, St Boniface Church and St Nicholas's Church.

Reasons

3. The appeal site adjoins 171 Mitcham Road (No 171), which lies at the end of a short row of 3 storey terraced properties. The properties, which sit forward of the neighbouring church and hall are similar in appearance, with commercial uses at ground floor and residential uses above. The proposal seeks to erect 2 studio apartments, above part of the existing flat roof of the church hall. It includes a communal entrance to the residential units at ground floor level to the front of the hall, alongside a covered entrance to the front of the hall and a refuse/cycle store. The scale, design and external materials of the proposed development would reflect that of the existing properties in the row, in particular the hipped roof which would match the roof at the other end of the row.
4. St Boniface Church is an attractive Grade II listed building which consist of a tower and finely detailed frontage to Mitcham Road. St Boniface Hall (the hall), which lies to the side of the church, is lower in height. It has a shallow pitched roof set back from the flat roof elements to the front and side. Due to its height and scale the church is a prominent feature when viewed from Mitcham Road. Its prominence is emphasised by the lower profile of the hall, which allows oblique views towards the church and its tower in views along Mitcham Road.

In contrast to No 171, the church and hall are set back from the highway allowing for a forecourt, including parking to the front of the buildings, behind the wide pavement. This arrangement creates a pleasant sense of spaciousness to the listed building, which further emphasises the prominence and status of the church. The space at the front is important to the significance of the designated heritage asset.

5. The appeal proposal would introduce additional built form which would be viewed alongside the listed building, closer to it than the existing terrace and set forward of it. Whilst the proposal would maintain a degree of separation between it and the church, due to its height, scale and siting it would nonetheless erode the current spaciousness of the immediate context on this side of the listed building. Furthermore, due to the siting of the proposed development it would be visible in the foreground in oblique views of the church from Mitcham Road. The proposal, which would encroach into the existing space to the side of the church, would therefore diminish the contribution the appeal site currently makes to the setting of the church.
6. St Nicholas's Church is also an attractive Grade II listed building which lies to the rear of the properties fronting Mitcham Road. The main views of the church are towards the front of the building from Church Lane. Due to the intervening development and landscaping, there is a limited degree of intervisibility between the immediate context of the church and the church yard and the appeal site. However, the church tower is visible in views from Mitcham Road because of the lower profile of the hall between the taller buildings. Whether or not views of the church from Mitcham Road are intentional they are an important element of its setting. The appellant's Visual Impact Assessment demonstrates the extent that views towards St Nicholas's Church from Mitcham Road would be impeded by the development. The proposal would significantly reduce the viewing corridor from Mitcham Road, an important public thoroughfare.
7. Whilst the proposal would not harm the immediate context of St Nicholas's Church, for the reasons set out above, it would fail to preserve the setting, having particular regard to views of the church from Mitcham Road. I acknowledge that views towards the church tower are intermittently obscured by street trees, however this is seasonal and therefore temporary and would not outweigh the harm I have identified.
8. In the views from Mitcham Road both the St Boniface Church and St Nicholas's Church towers are seen together, which creates a high degree of visual connection between the listed buildings. The appeal submissions indicate that views of the upper part of the St Nicholas's Church tower from Mitcham Road would be maintained, albeit reduced, thus allowing for opportunities to appreciate its visual relationship with St Boniface Church.
9. I note the appellant's contention that, notwithstanding the visual associations between the two churches, their closeness was not intentional and there is no known historic relationship between them given that they were built at least 100 years apart. Whether or not the proposal would harm the relationship between the 2 listed buildings, I have found that the proposal would harm the setting of the buildings individually.

10. My attention is drawn to an appeal for the erection of a new 3 storey residential building at the rear of 165C Mitcham Road¹ (No 165C) which was recently allowed. I note the appellant's suggestion that the appeal proposal before me would be in line with the same view, and therefore the impact on the significance of the view is further minimised. In that case the Inspector concluded that the proposal would have a neutral effect on the setting of St Nicholas's Church and would therefore preserve it. The appeal proposal differs in that it would occupy a prominent position in the foreground of views towards St Nicholas's Church from Mitcham Road and would therefore have a far greater effect on the significance of the setting of the church in that regard.
11. I therefore conclude that the proposal would fail to preserve the setting of both the listed buildings and would undermine their significance. In finding harm, this is something to which I have given considerable importance and weight to. The harm relates to specific views of the listed buildings and the harm that would arise would be localised in both cases. Accordingly, the proposal would cause less than substantial harm to the significance of the listed buildings as designated heritage assets. Consequently, the previous appeal decision has only limited weight.
12. In accordance with the National Policy Framework (the Framework), where a development proposal 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 make use of a previously developed site in an existing built-up area to provide 2 additional residential units which would contribute to the Council's housing supply targets. However, this benefit would carry limited weight given the modest scale of the proposal for 2 units.
13. There would be short-term benefits from employment opportunities during the construction phase which also carry limited weight.
14. The appeal submission indicates that the rental revenue from the residential units would subsidise the operation of St Boniface community centre and youth club, which are important social facilities. However, there is no substantive evidence that additional funds are required, nor am I aware that any mechanism is in place to secure the use of any income generated by the development for such purposes. This would therefore carry limited weight.
15. In light of the above considerations, I find that the public benefits of the appeal scheme are of no more than limited weight and are not of a clear and convincing justification to outweigh the harm I have identified.
16. I conclude the proposal would fail to preserve the setting of the listed buildings and would cause less than substantial harm to their significance as designated heritage assets. In the absence of any public benefits to outweigh this harm it would conflict with Policy DMS2 of the Wandsworth Local Plan Development Management Policies Document (2016) which supports development proposals where they sustain and conserve the significance and setting of heritage assets. It would also fail to accord with Policy HC1 of the London Plan (2021) in so far as it requires proposals affecting the setting of heritage assets to conserve their significance and the aims and objectives of the Framework in respect of the historic environment.

¹ APP/H5960/W/20/3264421

Other Matters

17. I note that the Council has not raised objections to the proposal on any other grounds. However, the absence of objection on such grounds would not outweigh the harm I have identified and does not in itself render the scheme acceptable.

Conclusion

18. The proposal would be contrary to the development plan when read as a whole. There is no sound justification to grant planning permission contrary to the development plan. Therefore, I conclude the appeal should be dismissed.

Emma Worley

INSPECTOR