



Appeal Decision

Site visit made on 9 May 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2023

Appeal Ref: APP/H5960/W/22/3308017

Flat 4, 515A Battersea Park Road, London SW11 3BN

- 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 Mr Nizam Gani against the decision of the London Borough of Wandsworth.
 - The application Ref 2021/5460, dated 1 December 2021, was refused by notice dated 18 July 2022.
 - The development proposed is described as "proposed retention of second floor level rear extension".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development subject to this decision is complete and I was able to view it when I attended my site visit.
3. A different description of development has been adopted by the Council and is included in Section E of the appellant's appeal form. Given the nature of the development I cannot consider the development as described by the appellant's application form in isolation. I have therefore considered the development proposed as described in the Council's Decision Notice and included in the appellant's appeal form: "alterations including the erection and retention of a second-floor rear extension and terrace. Internal alterations and reconfiguration associated with the creation of an additional flat and changes to the existing unit mix to create 4 x 1 bed and 1 x 2 bed flats. Increase in size of rear terrace at first floor level to be enclosed by an obscure glazed screen."
4. My attention has been drawn to extant permissions at the appeal site, however, I do not have precise details of these before me. I have determined the appeal based on the evidence submitted.
5. The Council refer to the emerging local plan. Since the appeal was lodged the Local Plan Publication (Regulation 19) version (LPP) has been subject to Examination and has been found to be sound subject to the Main Modifications. As the progress of the LPP is at an advanced stage, and its adoption is shortly due to be considered at a Full Council meeting, I give the emerging policies significant weight in the determination on this appeal. However, I am required to determine the appeal on the basis of the development plan which is in place at the time of my decision, and I have determined the appeal on this basis.

Main Issues

6. The main issues are:

- i) Whether the proposed development would be acceptable in relation to flood risk;
- ii) Whether sufficient bin and refuse storage could be provided for the proposed development; and
- iii) The effect of the proposed development on the character and appearance of the existing building and surrounding area.

Reasons

7. The appeal site comprises a three-storey mid-terrace building located on the southern side of Battersea Park Road. Residential flats are located on the ground, first, second and third floor and commercial premises to the front of the ground floor level.

Flooding

8. The appeal site is located within Flood Zone 3a which the Planning Practice Guidance (PPG) indicates that development in such areas would be at high probability of flooding. The development includes the introduction of sleeping accommodation at ground floor.
9. The finished floor levels of the development have not been confirmed. In the absence of a Flood Risk Assessment to examine the flood risks related to the development proposed, including how occupiers of the development would remain safe during a flood and how the development would recover from a flood. I cannot be satisfied that the proposed sleeping accommodation on the ground floor would not be adversely affected by flooding. The appellant has indicated that they would be agreeable to a condition for the submission of details to resolve this. However, from the evidence before me I cannot be certain that suitable arrangements can be made to make the development safe from flooding. Such a condition would therefore not be reasonable and would not meet the tests set out in the National Planning Policy Framework (the Framework) and guidance in the PPG.
10. For the above reasons, I therefore cannot conclude that the proposed development is acceptable in relation to flood risk. I therefore find conflict with Policy DMS5 of the Wandsworth Local Plan Development Management Policies Document (DMPD) which seeks to protect developments from the adverse effects of flooding. I also find conflict with the Framework which seeks to create greater resilience and avoid inappropriate development in areas at risk of flooding. The Council has not indicated a conflict with the emerging plan on this main issue and I have therefore determined it based on the adopted policies only.

Bin and refuse storage

11. With the proposed development involving the introduction of an additional flat, there is an increased generation of waste at the site. The submitted evidence indicates that this leads to the need for communal wheeled bins. The proposed development includes a refuse and recycle bin storage cupboard on the ground floor of the property.

12. Whilst I note that existing facilities exist, from the plans and evidence before me, it is not clear whether the communal bins required could be satisfactorily accommodated within the property. The refuse and recycling storage cupboard is also located beyond the 10m access distance guidelines, as set out within the Wandsworth Local Plan Supplementary Planning Document: Refuse and recyclables in developments (SPD). This distance, along with the having to traverse 3 doors to access the refuse and recycling storage, in practical terms would not be an easy manoeuvre, and in my view would not accord with the provisions of the SPD.
13. The appellant has indicated that they would be agreeable to a condition for the submission of details for refuse and recycling collection and storage facilities. However, from the evidence before me I am not satisfied that suitable arrangements can be made without reconfiguration of the internal layout of the property. Such a condition would not be reasonable and therefore not meet the Framework tests and guidance in the PPG.
14. For these reasons, I cannot conclude that sufficient bin and refuse storage could be provided for the development proposal. I therefore find that the development fails to accord with Policy DMS1 of the DMPD. It would also conflict with emerging Policy LP2 e) of the LPP and the Refuse and recyclables in development SPD. Collectively, these require appropriately sized and located waste and recycling facilities.

Character and appearance

15. The varying elements of the proposed rear extensions and terraces, including the mixed palette of materials, breaks up the visual mass and bulk of the development. As such they appear as subservient to the host property.
16. At my site visit I observed extensions and alterations to properties within close vicinity of the site, and of particular note the neighbouring property at No 513 Battersea Park Road. The second-floor extension on the appeal site is larger than that previously approved and deeper than the rear extension at No 513. However, it is not significantly bulkier or at odds with the form of existing development in the locality. The proposed extensions and terraces are therefore sufficiently similar in terms of design, scale and massing of nearby built form.
17. The materials of construction of the proposed rear extensions and roof terraces, including glazing and zinc cladding at the upper floor levels, results in a high-quality visual appearance. The palette of materials used is homogenous with neighbouring development and is not visually prominent in the wider site context. Third party representations raise concerns with the materials of construction in respect of matters such as weathering in the long term and the building over-heating. However, I have little evidence to substantiate these concerns.
18. As the appeal site is set in from the end of the terrace, and due to the presence of adjacent built development, limited views of the development are visible in the wider streetscene, including Atherton Street and Frere Street. Given the presence of other built development and the distance of the appeal site from this view point the development does not appear as a dominant visual intrusion within the streetscene. In the context of other built development in the surrounding area, and by virtue of the open nature of the roof terraces and the

materials of construction, the roof terrace at second floor level has a negligible visual presence within the surrounding area.

19. Having regard to the above, I therefore do not concur with the Council that the development is an unsympathetic and incongruous addition or that the development is out of character with the building itself and streetscene.
20. For the reasons stated above I conclude that the development would not harm the character and appearance of the existing building and the surrounding area. I therefore find no conflict with policies DMS1 and DMH5 of the Wandsworth Local Plan DMPD. These policies seek development that ensures a high level of physical integration with its surroundings, that is well-designed, contributing positively to the local spatial character, being subservient to the original house and its setting and is not over-dominant. Nor do I find conflict with emerging policies LP1 and LP2 of the LPP which seek a design-led approach to optimise the potential of sites whilst ensuring a high level of physical integration with their surroundings. I also find no conflict with the Framework which seeks to achieve a high quality of design.

Other Matters

21. Whilst the internal reconfiguration results in a single aspect, rather than dual aspect for flat 2 the development provides outdoor space for the occupiers of the flat. I therefore do not consider that the loss of dual aspect unacceptably diminishes the overall quality of the living accommodation. The development overall, therefore, provides for appropriate living conditions for the future occupiers of the flats and the Council has not raised concerns about the living conditions of the occupiers of neighbouring residential properties. However, these matters are neutral factors, whilst the benefit of the additional outdoor space is offset by the resulting single aspect nature of flat 2.

Conclusion

22. Having considered all the policies drawn to my attention, the conflict I have identified with the above local plan policies leads me to conclude that there is conflict with the development plan as a whole. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. The appeal is therefore dismissed.

R. Gee

INSPECTOR