



Appeal Decision

Site visit made on 10 May 2023

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th September 2023

Appeal Ref: APP/H5960/W/23/3317141

3 Melrose Road, Wandsworth, London SW18 1ND

- 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 Saville against the decision of The Council of the London Borough of Wandsworth.
 - The application Ref 2022/4441, dated 31 October 2022, was refused by notice dated 22 December 2022.
 - The development proposed is refurbishment of existing house, and including construction of 2-storey, plus basement, side extension.
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Decision

1. The appeal is allowed and planning permission is granted for refurbishment of existing house, and including construction of 2-storey, plus basement, side extension at 3 Melrose Road, Wandsworth, London SW18 1ND in accordance with the terms of the application, Ref 2022/4441, dated 31 October 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. An Arboricultural Method Statement (AMS) has been submitted to support the appeal which was not included in the original planning application. To allow the Council and interested parties an opportunity to comment, the appeal is now being dealt with as a S78 appeal and not a Householder Appeal. The Council and interested parties have had the opportunity to comment through the appeal process, therefore I am satisfied that the Council nor interested parties would be prejudiced by my taking it into account.
3. Following the determination of the planning application subject of this appeal, the Wandsworth Local Plan 2023-2038 (LP) was adopted in July 2023. Policies from this plan were referred to in the report of the Council when they were emerging. The adopted versions of these policies have since been submitted and the appellant has had the opportunity to comment on them. Therefore, neither party will be prejudiced by my taking these policies into account.

Main Issues

4. The main issues are:
 - whether the character or appearance of the West Hill Road Conservation Area would be preserved or enhanced;
 - the effect of the proposed development on trees.

Reasons

Character and appearance

5. The appeal site is located on Melrose Road within the West Hill Road Conservation Area. The appeal site is a double fronted Victorian property located close to the junction and is set back behind a fence with trees in the front, side and rear garden. There are properties either side of the dwelling and a more modern apartment block is located to the rear. Melrose Road is spacious in character particularly on the southern side where the appeal site is located, however there are examples of where gaps between properties have been closed by various developments taking place.
6. The West Hill Road Conservation Area Appraisal (CAA) recognises the area as being set on rising ground above the Wandle Valley with a ridge line marked by triangular greens at the main road junctions which formed Viewfield/West Hill/Melrose and Wimbledon Park Roads.
7. The significance of the Conservation Area is described in the CAA as being defined by the speculatively built mid nineteenth century Victorian Villas. The special character of the Conservation Area is derived from the mainly differing architectural styles and housing types and is almost exclusively residential. The appeal site makes a positive contribution to the Conservation Area which appears as a uniquely designed Victorian detached property with a spacious front garden with front garden trees which are characteristic of properties along Melrose Road. The property is located on the south side of Melrose Road which exhibits more of a mixture of architectural designs and ages of property than the north side, which has a more defined pattern of development.
8. In coming to my decision, I have had regard to the statutory test set out at Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.
9. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
10. The proposed development is a two-storey side extension with basement, and would be located between No. 3 and the neighbouring property No. 5. The proposed extension has been designed in the same vernacular as the host property, the extension has a lower ridge and is set back from the front elevation and in from the boundary at ground and first floors. Below ground the extension extends up to the boundary with the neighbouring property. However, as this is below ground, this element would not be visible. The lightwell to the basement to the front will be screened and extends immediately below the main extension.
11. Due to the proposed design, size and subservient nature of the extension, a reasonable gap between the appeal site and neighbouring property will be maintained which will allow for glimpses between the properties. In addition to this the extension is proposed to be constructed using matching materials and this together with the appropriate design which takes detailing from the host

property, would ensure that the proposed extension would not appear incongruous.

12. For the reasons set out above, the proposed development would not harm the appearance of the host property and would preserve the character of the West Hill Road Conservation Area. The proposal would therefore be in accordance with policies DMS1, DMS2 and DMH5 of the Wandsworth Local Plan Development Management Policies Document (2016) (DMPD) which seek to ensure that developments contribute positively to local spatial character, conserve the character and setting of heritage assets, and that side extensions do not cause a terrace effect by in-filling spaces between detached buildings. The proposal would be in accordance with Policy LP3 of the Wandsworth Local Plan 2023-2038 (2023) (LP) which supports developments where they preserve the significance of any heritage asset.
13. The proposal would also comply with policy HC1 of the London Plan (2021) which seeks to ensure that developments affecting heritage assets should conserve their significance.

Trees

14. The proposed development would see the loss of two modest trees which are located in the position of the proposed extension between No. 3 and No. 5. The main trees to be removed are an Ash and Paper Bark Birch located to the side of the property which are described in the AMS as insignificant specimens, these are together with Coppice Hazel and a small Prunus. The Prunus would need to be removed in any event due to its condition. The AMS also shows the loss of three trees in the rear garden due to their condition.
15. Replacement planting of the trees lost to the side of the property would be proposed in the front garden which are shown in the AMS. One tree will be located adjacent to the side boundary with the neighbour no. 5 and one to the front of the property behind the existing boundary treatment.
16. Due to the condition of the trees to be lost, along with their small size and significance, the proposed replacement planting would sufficiently mitigate for the loss of the trees and associated loss of biodiversity. The proposed species of replacement trees can be adequately secured by condition along with replacement planting should the trees fail, to ensure that the proposed planting is appropriate for biodiversity interests.
17. The proposal would therefore preserve the character and appearance of the Conservation Area and would enhance the heritage asset to the front of the property by providing additional tree planting within the front garden, which is a characteristic of this part of the Conservation Area.
18. I am also satisfied based on the information provided in the AMS that tree protection measures to ensure the health of retained trees are sufficient.
19. Therefore, the proposed extension would not have an adverse impact upon trees and biodiversity interests due to the replacement planting and protection measures proposed. The proposal would therefore accord with policy DMO4 and DMO5 of the DMPD which require new biodiversity features to consider native and priority species, and that permission for development which would result in loss of trees would only be permitted if removal would be in the proper

interests of good arboricultural practice or adequate replacement planting is proposed.

Conditions

20. To meet legislative requirements, a condition shall be imposed to address the period for commencement.
21. I shall impose a condition specifying the relevant drawings, including Fire Safety Statement as required by the development plan, in order to provide certainty.
22. A condition is necessary for materials to be matching those of the host dwelling to maintain the character and appearance of the area.
23. A condition suggested by the Council relates to trees which would require full arboricultural details to be submitted, this was included in the initial questionnaire for the appeal. However, arboricultural details have been submitted with the appeal, the Council has not commented on these. Therefore, I have imposed three conditions relating to trees, which ensure that tree protective fencing is erected, a specification of the proposed planting is submitted to the Council for approval and if any planting fails it is to be replaced. These conditions are necessary to ensure that the development provides suitable mitigation for tree loss and protection for existing trees.

Conclusion

24. For the reasons set out having regard to the development plan as a whole and all other matters raised, the appeal is allowed.

N Duff

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1037/02; 1037/06 Rev A; 1037/07 Rev A; 1037/08 Rev A; 1037/09 Rev A; 1037/10 Rev A and Fire Safety Strategy and accompanying plan 1037/FS/01 Rev A.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.
- 4) The tree protection measures and fencing shall be installed prior to commencement of the development and thereafter retained in accordance with the approved details as shown on drawings: Tree Protection Plan As Existing and Tree Protection Plan As Proposed and specification contained within Arboricultural Method Statement ref: NvP3589 dated 19th February 2023. The construction shall be carried out in accordance with the approved details until completion of the development.
- 5) No works above ground level shall commence until a full specification of all proposed tree planting has been submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification.
- 6) If, within a period of 5 years from the date of planting, the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.