



Appeal Decision

Site visit made on 9 October 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2023

Appeal Ref: APP/H5960/W/23/3317337

24 Bellevue Road, Wandsworth, London SW17 7EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Jackie Crainey against the decision of London Borough of Wandsworth.
- The application Ref 2022/3404, dated 13 August 2022 was refused by notice dated 25 January 2023.
- The application sought planning permission for excavation to create a basement including formation of front and rear lightwells, erection of dormer roof extensions to front and rear roof. Erection of part single/part two-storey rear extension and single storey outbuilding in connection with conversion of property to 2 x 3- bedroom, 1 x 2- bedroom and 1 x 1-bedroom flats with associated cycle and refuse storage without complying with a condition attached to planning permission Ref 2021/2952, dated 1 July 2022.
- The condition in dispute is No. 2 which states that: The development shall be carried out in accordance with the reports, specifications and drawings detailed [MA171 701 rev P1, MA171 751 rev P2, MA171 759 rev P1, MA171 760 rev P2, MA171 761 rev P1, MA171 762 rev P2, MA171 763 rev P1, MA171 764 rev P1, MA171 780 rev P3, MA171 781 rev P2, MA171 783 rev P2, MA171 784 rev P2, MA171 786 rev P2, MA171 788 rev P2, MA171 791 rev P2, MA171 793 rev P2, Planning Statement (January 2022), Planning Fire Safety Strategy Statement (June 2022), Transport & Parking Note (23/01/2022), Planning, Heritage & Design Statement (February 2022), Internal Daylight Report (January 2022), Arboricultural Impact Assessment (02/02/2022)].
- The reason given for the condition is: To ensure a satisfactory standard of development and to allow the local planning authority to review any potential changes to the scheme.

Decision

1. The appeal is allowed and planning permission is granted for excavation to create a basement including formation of front and rear lightwells, erection of dormer roof extensions to front and rear roof. Erection of part single/part two-storey rear extension and single storey outbuilding in connection with conversion of property to 2 x 3- bedroom, 1 x 2-bedroom and 1 x 1-bedroom flats with associated cycle and refuse storage at 24 Bellevue Road, Wandsworth, London SW17 7EB in accordance with the application Ref 2022/3404, dated 13 August 2022, without compliance with condition number 2 previously imposed on planning permission Ref 2021/2952, dated 1 July 2022 and subject to the conditions listed in the attached schedule.

Procedural Matters

2. Works have already commenced on the site as part of the planning permission granted under reference 2021/2952 and the works subject to this appeal have

also commenced and appeared to be largely complete at the time of my site visit.

3. As part of my site visit, I was able to see that some of the works that have already taken place on site do not fully accord with the drawings submitted as part of this appeal. I have therefore determined the appeal based on the plans the Council based its decision on.
4. The Council's decision notice refers to policies contained within the Wandsworth Local Plan Core Strategy (2016) and Wandsworth Local Plan Development Management Policies Document (2016) as well as the Publication Version of the Local Plan (2022). The Wandsworth Local Plan 2023-2038 was adopted in July 2023 and has therefore superseded the policies contained within the Core Strategy (2016) and Development Management Policies Document (2016). I have been provided with a copy of the relevant policies of the adopted Local Plan and have had due regard to this.

Background

5. Planning permission was granted for excavation to create a basement including formation of front and rear lightwells, erection of dormer roof extensions to front and rear roof. Erection of part single/part two-storey rear extension and single storey outbuilding in connection with conversion of property to 2 x 3-bedroom, 1 x 2-bedroom and 1 x 1-bedroom flats with associated cycle and refuse storage. A condition controlling the approved plans was imposed to ensure a satisfactory standard of development and to allow the local planning authority to review any potential changes to the scheme. The proposed development seeks to vary this condition to allow amendments including increase in scale of rear dormer extension and increase in the ridge height of the roof of the appeal property which has been raised by 200 millimetres higher than the neighbouring property.

Main Issue

6. The main issue is the effect that varying the condition would have on the character and appearance of the host property and its neighbouring semi-detached property, including whether it would preserve or enhance the character or appearance of the Wandsworth Common Conservation Area (CA).

Reasons

7. The appeal property is a three-storey mid-terrace dwelling which forms part of a row of other properties that front onto Bellevue Road. These properties sit in a visually prominent location overlooking Wandsworth Common. The properties along this row comprise both commercial and residential uses and vary in design, size, and form although the appeal site and its adjoining neighbour at No.25 Bellevue Road (No 25) mirror one another in terms of their scale and design.
8. The site lies within the CA, and I have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. I have had regard to paragraph 199 of the National Planning Policy Framework (the Framework) in terms of giving great weight to the CA's conservation.

9. The CA is noted for its fine-grained pattern of development surrounding the Common. The pattern of streets is mainly in the form of grids, essentially of two to three storey terraces, and semi-detached buildings of Victorian and Edwardian origin. The combination of perimeter buildings and Common gives the area a 'village green' setting, most apparent in Bellevue Road and around St Mark's Church.
10. In accordance with the Wandsworth Common Conservation Area Appraisal (WCCAA), the appeal property lies within Sub Area H (St James's) explaining that the architecture varies in scale and design. Properties are emphasised with intricate detailing of brickwork or dramatic roof pitches and are generally well spaced out, often benefiting from mature front and back gardens, contributing to a well planted appearance. Bellevue Road tends to be characterised by mid-Victorian buildings, generally with retail or restaurants at ground level with accommodation above. The WCCAA explains that the sub-area is further enhanced by its special views across the Common. In cases of new development, many are sensitively designed, with a modern contemporary twist, working with and not against the grain and special character of the area. In many cases, positive contributions are made in terms of the perception and feeling of this particular area.
11. Whilst the ridge height is slightly taller than its pre-existing form and that granted under reference 2021/2952 as well as being slightly taller than its adjoining neighbour at No 25, it is a very limited increase which does not alter the overall appearance of the front of the property. It therefore still mirrors the main features and overall symmetry of its adjoining neighbour at No 25. Its overall design is also in keeping with and complimentary to the main property and its neighbour. Further, and whilst the appeal property has a defined matching style to No 25, the wider row of properties along Bellevue Road varies somewhat in terms of their ridge heights and with the exception of the appeal property and its neighbour, there is no defining ridge height. Consequently, the slight increase in this case does not appear particularly discordant given the diverse appearance of ridge heights nearby. I have had regard to the comments regarding floor to ceiling heights although I do not find this a determinative factor in this case as the development still remains subordinate to the host property and No 25.
12. Given the height of the building and its elevated position some distance from the street, a limited increase in this case is not readily noticeable to most on approaches along Bellevue Road. I acknowledge comments made regarding the historical symmetry of the pair of properties and its reinstatement as well as the street image provided. However, this would not alter my findings as set out above.
13. For the above reasons, I conclude that the development does not unacceptably harm the character and appearance of the host property and its neighbouring semi-detached property and preserves the character and appearance of the CA. As such, it accords with Policies LP1, LP3 and LP5 of the Wandsworth Local Plan 2023-2038 (2023) which together, amongst other matters, explains that development proposals will be supported where they sustain, preserve and, wherever possible, enhance the significance, appearance, character, function and setting of any heritage asset (both designated and non-designated), and the historic environment. For the same reasons, the development accords with

the aspirations of the Framework relating to conserving and enhancing the historic environment.

Other Matters

14. In addition to the increase in the ridge height, the development also includes the increase in scale of the rear dormer extension. Whilst not forming part of the reason for refusal as set out on the decision notice, I have had due regard to the comments made regarding its overall character and appearance and matters relating to privacy. However, the changes in scale are limited over and above that already approved under reference 2021/2952 and the dormer remains of a lower height than the ridge of the property with an overall design similar and complimentary to that of the main property. It is also positioned away from the sides and up from the eaves which helps to reduce its bulk and dominance on the building. It therefore remains subordinate to the property and is no more harmful than what was previously approved. Additionally, I observed a number of other dormer windows in the vicinity of the site located on the rear of properties. These varied significantly in terms of their size and design with some indeed appearing larger. On this basis, the dormer does not appear particularly discordant given the diverse appearance of dormers nearby.
15. In terms of privacy, the limited nature of the changes to that previously approved means that the dormer window does not result in any greater harm, and I am content that neighbouring properties and their associated amenity space are not so unduly harmed by the limited increase in scale.
16. Matters relating to the principle of the proposed conversion of the host building, density, as well as highways matters and noise has already been assessed under application reference 2021/2952 and based on the evidence in front of me and my own observations on site, I have no reason to question the overall acceptability of this.
17. I appreciate frustrations regarding the process and adherence to the previously approved plans. However, this would not alter my findings in relation to the above main issue.
18. Matters relating to Community Infrastructure Levy are not for my consideration and has not altered my overall findings.

Conditions

19. I have considered the conditions suggested by the Council taking into account the partly retrospective nature of the appeal and amended these where necessary for clarity. The standard time for commencement is not required in this instance given the partly retrospective nature of the appeal. I agree that a plans condition is necessary to ensure that the approved development is carried out in complete accordance with the approved plans. I have attached the condition relating to external materials as I find this necessary even taking into account the partly retrospective nature of the appeal in the interest of the appearance of the completed development and to safeguard visual amenity of the CA. I also agree that a condition is necessary relating to the roof area to safeguard the privacy and amenities of neighbours. A condition relating to the outbuilding foundation is necessary to protect trees on the site in the interests of visual amenity and the character of the area although this has been amended to refer to British Standard. A condition relating to water use is

necessary in the interests of sustainable development. A condition relating to landscaping is necessary to ensure the satisfactory appearance and biodiversity value in the development.

20. Conditions relating to cycle parking and waste storage provision are not considered necessary given that such provision is detailed on the approved plans. There is no clear justification for the condition relating to the use of the outbuilding particularly as there is no firm evidence to indicate that the outbuilding permitted would be used as an independent dwelling or commercial use. Consequently, this condition is not considered relevant to the development to be permitted as any future use would be subject to its own assessment. Conditions relating to other tree protection measures, construction management plan and increased ridge height is not considered necessary given the partly retrospective nature of the appeal.

Conclusion

21. For the reasons given above and having had regard to the development plan as a whole, the appeal is allowed.

N Teasdale

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drawing No. MA171 701 Revision P1; Proposed Site Plan Drawing No. MA171 751 Revision P4; Cons & Prop Lower Ground Drawing No MA171 759 Revision P1; Exist & Prop Ground Drawing No. MA171 760 Revision P2; Exist & Prop 1st Drawing No. MA171 761 Revision P1; Exist & Prop 2nd Drawing No. MA171 762 Revision P2; Exist & Prop 3rd Drawing No. MA171 763 Revision P3; Exist & Prop Roof Drawing No. MA171 764 Revision P3; Prop Side Elevation Drawing No. MA171 786 Revision P2; Prop Side Elevation 2 Drawing No. MA171 788 Revision P2; Prop Site Section AA Drawing No. MA171 791 Revision P4; Prop Site Section BB Drawing No. MA171 793 Revision P4; Front Elevation Drawing No. MA171 780 Revision P5; Front Sectional Elevation Drawing No. MA171 783 Revision P4; Rear Elevation Drawing No MA171 781 Revision P4; Rear Sectional Elevation Drawing No. MA171 784 Revision P4.
- 2) All external materials used in the construction of the development hereby approved shall match the type, texture, tone, colour, size and profile of those used on the existing building and shall be retained permanently.
- 3) The roof area of the development hereby permitted shall not be used as a balcony, roof garden or similar amenity area and furthermore, no balustrades, railings or other means of enclosure or means of permanent access shall be erected on this area.
- 4) Any foundation works and construction of the single-storey rear outbuilding hereby approved shall be erected in accordance with British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced).
- 5) The development shall achieve a maximum water use of 105 litres per person per day (plus 5 litres for outside use) in line with the Water Efficiency Calculator for new dwellings from the Department of Communities and Local Government. Prior to first occupation, evidence to demonstrate that the internal water consumption of the development will not exceed 105l/p/day must be submitted to the local planning authority and approved in writing, unless otherwise agreed in writing by the local planning authority. Measures integrated shall be retained for the lifetime of the development.
- 6) All landscaping, planting, seeding, and turfing shall be carried out in accordance with the approved details prior to the occupation of any part of the development, or in accordance with a programme agreed in writing with the local planning authority.

End of schedule