



Appeal Decision

Site visit made on 26 January 2024

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2024

Appeal Ref: APP/H5960/W/23/3321161

51 St. Ann's Hill, Wandsworth, London SW18 2EZ

- 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 Edward Church of London Heritage Properties Ltd against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2023/0445, dated 2 February 2023, was refused by notice dated 29 March 2023.
 - The development proposed is amendments to planning application 2021/1317 for minor amendments to flank elevations B + D.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal building gained permission in 2020 for partial demolition and erection of a 3 storey block to comprise 2 flats¹. Amendments to that permission was granted in 2021², whereby Condition 2 required the development to be carried out in accordance with the approved plans, and condition 3 required its external flank elevations to be finished with specific red brick. The appellant identifies that the works were completed February 2023, but I have not included within the description above that the proposal is retrospective, as this is not a development type.
3. The appeal proposal only relates to amendments to the flank elevations. These walls cannot be considered in isolation under S78 of the Town and Country Planning Act 1990, as they are integral to the whole building. I have therefore considered the appeal as though it is a full application for the entire scheme. This was previously described as the partial demolition of the existing building and erection of a three-storey (plus basement) block of 2 x 4 bedroomed flats, with associated bicycle store and bin store.
4. However, I restrict my determination to the effect of the flank walls, based on the extant permission as a fallback. My site visit identified that the walls appear to be as on the appeal plans, except for the small area of render proposed to the rearmost part of the western elevation, termed 'flank B'. The plans do not provide details of the brick type and colouring. I have therefore proceeded on the 'as built' basis regarding the types of bricks used.

¹ Reference 2020/2284

² Reference 2021/1317

5. The Wandsworth Local Plan 2023-2038 (LP) was adopted in July 2023, and the Council has confirmed that reference to the previous development plan document in the reason for refusal, has been superseded by the LP Policy LP1. The appellant has had the chance to provide comment on the LP, and I have therefore assessed the appeal on this basis.
6. The National Planning Policy Framework ('the Framework') was revised in December 2023. The content of the Framework has not been materially altered in respect of the main issues before me, and therefore it has not been necessary to go back to the parties in this regard.

Main Issue

7. The main issue is the effect of the development on the character and appearance of the area, with particular regard to the effect of the building's flank walls.

Reasons

8. The site is a 3 storey detached building comprising 2 flats, formerly a 2 storey house which was substantially demolished and altered. It sits within a row of 2 storey terraced and semi-detached dwellings, within a wider residential area. An access drive to a sub-station runs alongside the building's eastern elevation, termed 'flank D'. Flank D uses 3 main shades of red brick, plus a central portion approximately 3.0m above ground level painted with a stylistic mural of London. The proposal for flank B is for the rearmost part to be rendered in colour to match the existing adjacent brick. The remainder of the flank, insofar as is visible, comprises 2 shades of brick.
9. The prevailing local character for side elevations along the street is of consistent brickwork materials. This provides cohesion with the front elevations. In comparison, the brick colours on flank D are noticeably different from one another, made more obvious by the mortar lines between the types. In particular, the large horizontal band at roof level is a more orange tone than the rest of the bricks, including on the front elevation. It is particularly prominent due to the adjacent driveway gap, and its height in comparison to the neighbouring terrace.
10. It is relatively unusual for a mural to be within a residential street. The appellant identifies that it was intended to mask the different brick colourings. However, I find it draws further attention to them due to its position between and below the different areas. While in itself it adds some interest to the streetscene, it also adds an additional and unnecessary materiality, and its juxtaposition within the elevation as a whole draws undue prominence. The overall treatment for flank D creates disharmony for the building's exterior and the cohesive character of the street.
11. The roof level of flank B uses the same orange tone bricks, creating similar undue prominence. Interested parties have also objected that the rearmost part of flank B has not all been finished with red brick. I find that the proposed introduction of render would contrast too greatly with the rest of flank B, particular as it would be viewed at close range from neighbouring properties. While there is some render on nearby buildings, this is used to decorative effect, which would not be the case for the appeal proposal. The flank B elevation is therefore also unacceptable.

12. Overall therefore, the proposal has a harmful effect on the character and appearance of the area. It conflicts with the LP Policy LP1 which requires, amongst other matters, the appearance of development to enhance and relate positively to the prevailing local character, and that finishing materials demonstrate an appreciation of vernacular, local character, and architectural precedents.

Other Matters

13. As the building has not been constructed in accordance with the approved plans and as required by the conditions, I have not been presented with clear evidence that the walls could be painted under permitted development rights. I therefore do not deem this to be a relevant fallback position.
14. The appellant identifies that there were difficulties with sourcing matching bricks during the pandemic. I also note that the mural's height from the ground resulted from concerns over the potential for graffiti. I give these factors only limited weight in support of the development, and as such they do not outweigh the substantial weight I give to the harm I have identified above.
15. Any other benefits of the scheme in entirety, including those resulting from the provision of new dwellings, are the same as for the extant permission. They are therefore neutral matters in my determination.
16. I note the references from the main and interested parties relating to the front and rear landscaping. As this is not included within the reason for refusal, and I am dismissing the appeal for other reasons, it is not necessary to consider this in detail.

Conclusion

17. The development conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that the appeal is dismissed.

L N Hughes

INSPECTOR