



Appeal Decisions

Site visit made on 22 November 2023

by K Lancaster BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2024

Appeal A Ref: APP/H5960/W/23/3322295

40 Atheldene Road, Wandsworth, London SW18 3BW

- 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 Paul Broadbent on behalf of Goldcrest Land (UK) Limited against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2022/2437, dated 7 June 2022, was refused by notice dated 18 November 2022.
 - The development proposed is described as the "construction of a new (third) floor level of accommodation above the existing three storey apartment building at the junction of Atheldene Road and Farlton Road in Earlsfield, London".
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Appeal B Ref: APP/H5960/W/23/3323369

40 Atheldene Road, Wandsworth, London SW18 3BW

- 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 Goldcrest Land (UK) Limited against the decision of the Council of the London Borough of Wandsworth.
- The application Ref 2023/0396, dated 1 February 2023, was refused by notice dated 30 March 2023.

The development proposed is described as the "erection of an additional storey to create a third-floor level of accommodation to provide three flats together with associated cycle and refuse storage".

Decision

1. Appeal A and Appeal B are both dismissed.

Preliminary Matters

2. As set out above there are two appeals on this site. Appeal A relates to a scheme for the construction of an additional storey to provide 3 flats as it was originally submitted to the Council. Appeal B relates to a revised scheme for the extension, which was submitted to the Council, subsequent to the refusal of Appeal A. The two schemes differ in terms of the design of the proposed extension and the distance the proposed extensions are set back from the edge of the building. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
3. Since the Council determined the planning applications, it has adopted the Wandsworth Local Plan 2023 (WLP). The policies in the new Local Plan supersede policies from the Development Management Policies Document 2016 and Site Specific Allocations Document 2016 which were included in the

Council's reason for refusal of the planning application. I have determined the appeal based on the current applicable policies in the WLP.

4. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated on 20 December 2023. In the interests of natural justice, and to ensure neither of the main parties were prejudiced by this matter, I consulted both parties on the changes to the Framework, and this has informed my determination of the appeal.
5. The appellant has submitted amended plans with both appeals. I have given consideration to the 'Wheatcroft Principles' and whether any prejudice would occur to any party if I were to determine the appeal on the basis of the amended plans. In this case, the amended plans include minor changes to the waste and cycle storage arrangements, which would not materially affect the nature of the scheme. Furthermore, the Council has provided comments on the amended plans. I am therefore satisfied that no party's interests have been prejudiced by my determining the appeal on the basis of the revised plans, and I have proceeded accordingly.

Main Issues

6. The main issues of both appeals are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether the proposed development would provide adequate facilities for waste and cycle storage.

Reasons

Character and Appearance

7. The appeal site, 40 Atheldene Road, is a three-storey building containing 9 residential flats. It is situated in a prominent position on the corner of Altheldene Road and Farlton Road. The surrounding area is predominantly residential, with rows of two-storey terraced housing located to the south of the site. A large development of three, four and five storey buildings is currently under construction to the north and east of the appeal site.
8. In respect of Appeal A, the proposed development would comprise the erection of an additional storey to provide 2x 2 bed flats and 1x 1 bed flat. The extension would be set back from the edge of the building by approximately 375mm, would be clad in brick and zinc to match the existing building and would have a biodiverse roof with Solar PV panels. The proposed design has a strong vertical emphasis, which would increase the scale, bulk, and dominance of the prominently sited existing building.
9. In respect of Appeal B, the proposed development would comprise the erection of an additional storey to provide 2x 2 bed flats and 1x 1 bed flat. It would also be clad in brick and zinc to match the existing building and would have a biodiverse roof with Solar PV panels, and the further addition of air source heat pumps. The proposal differs from Appeal A in so far as the design of the additional storey includes a sloped mansard design with pitched facades which would be set back further from the edge of the building. Whilst this would

reduce some of the scale, bulk, and dominance of the proposed extension, it would still appear as a large, bulky addition to the host building, which is prominently sited.

10. I have had regard to Paragraph 124(e) of the National Planning Policy Framework (the Framework) which supports opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards) and can maintain safe access and egress for occupiers.
11. Paragraph 124(e) of the Framework also states that planning policies and decisions should allow mansard roof extensions on suitable properties where their external appearance harmonises with the original building, including extensions to terraces where one or more of the terraced houses has a mansard. The glossary to the Framework states that a mansard roof is generally regarded as a suitable type of extension for building which forms part of a terrace, which are at least two storeys tall and with a parapet running the entire length of the front façade.
12. I have had regard to the support for upwards extension and mansard roof extensions, in certain circumstances, within the Framework. However, in this particular case, both appeal schemes would result in the introduction of bulky upwards additions to an existing building that would by virtue of their design, siting, and massing introduce a form of development that would be unduly dominant and harmful to the character and appearance of the surrounding area. Furthermore, in relation to Appeal B, the appeal site is a detached modern building, and therefore the addition of a mansard style extension would be at odds with the character of the building and surrounding area.
13. The appeal site, which is prominently located is already of a greater height than buildings which surround it including the primary school and two storey, terraced properties on Atheldene Road and Farlton Road. Therefore, when viewed in the context of the wider area the proposed development for either Appeal A or Appeal B would appear as a dominant addition to the streetscene, which would be at odds with the prevailing character of the area.
14. The appellant has drawn my attention to the development under construction on Garratt Lane, which they argue is much taller than the appeal building and that this has altered the context of the surrounding area. However, whilst I acknowledge that the taller buildings which have been approved within the vicinity of the site, have introduced a greater degree of variety to the height of buildings, the context surrounding the appeal site, which comprises mostly two storey, terraced dwellings has not changed. Furthermore, the appeal site provides an important transition between these taller buildings and the more modest terraced dwellings and primary school buildings. This would be lost if a taller building was constructed on the appeal site. I therefore find, in this particular case, the presence of taller buildings on Garratt Lane, does not justify the proposed upwards extension of the host building.
15. Overall, for the above reasons, both Appeal A and Appeal B would cause harm to the character and appearance of the area. The proposed developments would therefore conflict with Policy LP1 of the Wandsworth Local Plan 2023 (WLP) and Policies D1, D2 and D4 of the London Plan 2021. These policies

seek, amongst other things, high-quality design that enhances and relates positively to the prevailing local character and the emerging character (where the context is changing).

Waste and Cycle Storage

16. For both Appeal A and Appeal B, the proposals indicate that the existing waste and cycle storage area to the side of the building would be altered to provide increased provision. The details submitted with the original applications failed to demonstrate that these arrangements would provide adequate provision. However, amended plans submitted with the appeals show that waste storage for the three additional, and nine existing flats could be accommodated in this area. The Council has confirmed that the revised waste storage arrangements provided address concerns in relation to this aspect of the second reason for refusal for both schemes.
17. However, whilst the waste storage provision is now considered to be adequately addressed for both appeals, the Council maintain their concerns in relation to the cycle parking arrangements that these would not provide accessible, practical, and useable cycle storage.
18. Nevertheless, in the event that I was minded to allow either of the appeals, I am satisfied that this could have been addressed by the imposition of a suitably worded planning condition to require additional information in relation to cycle parking arrangements to overcome these concerns. The proposed developments would, subject to suitable planning conditions, therefore accord with Policy LP51 of the WLP, which requires, amongst other things, that cycle parking is provided in accordance with the minimum levels set out in the London Plan and that the parking must be easily accessible, secure, and well-located to the unit it is associated with.

Other Matters

19. The site is located in an area with a public transport accessibility level (PTAL) of 4 and is within walking distance of Earlsfield railway station and bus routes on Garratt Lane and Earlsfield Road. The site is located within the Earlsfield Controlled Parking Zone (CPZ) which provides parking control on Mondays to Fridays from 09:30 to 16:30.
20. Policy LP51 of the WLP requires that the proposed developments with a PTAL rating for 4 and above, should be car-free. However, no planning obligation has been provided and no other mechanism has been suggested to address this matter. Having regard to the Planning Practice Guidance, the planning obligation should be in place before planning permission is granted and there is little evidence that this is a matter that could be satisfactorily dealt with by the imposition of a planning condition. The absence of a planning obligation, or other suitable mechanism was not a reason for refusal, therefore as I am dismissing the appeals for other reasons, I have not considered this matter further.
21. Both Appeal A and Appeal B include proposals for a replacement biodiverse roof. I am satisfied that had I been minded to allow either appeal that a suitably worded condition could have been imposed to ensure that there is no net loss in terms of biodiversity.

22. I have found no reason to disagree with the Council's assessment in relation to matters including the principle of development, housing mix, the effect of the proposals on the living conditions of neighbouring properties and flood risk. However, the absence of harm on these matters is not sufficient to outweigh the harm to the character and appearance of the area.
23. I have had regard to the Framework in so far as it provides support for new development on small sites and for making efficient use of land, including increasing densities. Both Appeal A and Appeal B would provide 3 additional residential units in a location which has moderate accessibility to public transport and facilities. I have therefore had regard to local plan policies, the London Plan, and the Framework, which seeks to boost housing supply in accessible locations. However, proposed development is still expected to be well-designed and relate well to the local character. Therefore, whilst I have had regard to the benefits of the scheme, as a consequence of the scale of the development, these benefits would be small, which limits the weight afforded to them. Consequently, in this particular case, these benefits do not outweigh the harm that I have identified to the character and appearance of the area.

Conclusion

24. For these reasons, both appeal schemes would conflict with the development plan when taken as a whole, and there are no other material considerations of sufficient weight to indicate a decision other than in accordance with it. Accordingly, I conclude that Appeal A and Appeal B should both be dismissed.

K Lancaster

INSPECTOR