



Appeal Decision

Site visit made on 30 January 2024

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2024

Appeal Ref: APP/H5960/D/23/3334863

41 Albert Bridge Road, London SW11 4PX

- 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 I Chalbaud against the decision of the London Borough of Wandsworth.
 - The application Ref 2023/1340, dated 5 April 2023, was refused by notice dated 21 September 2023.
 - The development proposed is for alterations including excavation to create basement parking area and associated hard and soft landscaping works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area and whether the conservation area would be preserved with specific regard to: - i) the scale and location of the outbuilding; and ii) the removal of trees.

Reasons

Background

3. When I visited the site building work was taking place. Planning permission has been granted for a basement and other alterations to the property including a swimming pool and associated landscaping works (Council reference 2022/3908). There is also a certificate of lawful development granted for various alterations to the fenestration and enlargement of the basement (Council reference 2022/2248).
4. The site is covered by a Tree Preservation Order (TPO, 10/1996). The planning application subject to this appeal, sought the removal of three Lime trees (TG3), an Ash (T6) and a Lime (T7) covered by the TPO. Subsequently, separate consent has been granted to remove T6 and T7 (Council reference 2023/3828 granted 5 December 2023).

Character and Appearance

5. 41 Albert Bridge Road is a large, detached property positioned at the junction of five roads and opposite Battersea Park. It is distinctively different to the terraced properties which line Albert Bridge Road. The mature trees to the

- boundary and the space around the property positively contribute to the character of the area, providing a softness to the surrounding built form.
6. The property is part of the Battersea Park Conservation Area with its significance derived from the formal relationship between the park and urban development. The Battersea Park - Conservation Area Appraisal and Management Strategy (CAAMS) identifies the appeal property as a positive building and describes it as a substantial detached late nineteenth-century house of two storeys with three storey gabled wing of red brick.
 7. The proposed outbuilding with an open pergola element would be located adjacent to the entrance on Cambridge Road. Given the form of properties in the area and limited front gardens, ancillary residential buildings are not a prevalent feature in the area. The proposal would be a substantial structure situated on top of the basement and would project some distance above the high boundary wall. Additionally, this section of the boundary is more open due to the recent tree removal. The development would have a prominent presence and would be seen in various views along Cambridge Road, including from the edge of the park at the road junction. There is to be new planting, but this will take time to establish and does not overcome the incongruous form and height of the structure which would obscure views of the property and be visually intrusive in the street scene.
 8. Due to its unique position, most of the site is bound by roads and therefore the ability to accommodate domestic paraphernalia is more limited. There are some existing garden structures within the site, but these are smaller in scale and are not notable from the street. Also, their presence does not directly infer the suitability of any new structure which is to be considered on its own merits. Whilst the appellant considers that the pergola formed part of the approved scheme (2022/3908), I agree with the Council this was not directly applied for. The area on the plan (Plan: A-210 Proposed Plot) is labelled as an outdoor kitchen and there is no reference to a pergola or any elevations.
 9. The general form of the development and materials are appropriate for an ancillary development. Nonetheless, due to its height, scale and siting the proposed outbuilding would be an intrusive feature, harmful to the setting of the existing property and the street scene. It would therefore fail to preserve the character and appearance of the Battersea Park Conservation Area. Thus, this aspect of the proposal would be contrary to policies LP1, LP3 and LP5 of the Wandsworth Local Plan 2023 (Local Plan). Together these seek high-quality design that relates positively to the prevailing local character; preserves and where possible enhances the significance, appearance, character and setting of heritage assets; and for free-standing residential structures to be appropriate in scale. There would also be conflict with section 16 of the National Planning Policy Framework (the Framework) regarding the protection of the historic environment.

Trees

10. The mature trees along all the boundaries help to define the site and contribute to the visual amenity of the wider area. The three Lime trees (TG3) on the southern boundary (adjacent to the flank elevation of No. 2 Cambridge Road) are proposed for removal.

11. Several trees to the other side of the entrance have already been removed. The additional removal of the Lime trees would create a substantial gap in the mature landscaping, which contributes to the character and appearance of the Battersea Park Conservation Area.
12. Policy LP56 of the Local Plan states that the Council will resist development that would result in the damage or loss of trees, including veteran trees and trees considered to be of townscape or amenity value unless the tree is dead, dying or dangerous; or the tree is causing significant damage to adjacent structures, or the tree has little or no amenity value and it is not possible to retain the tree as part of the development, or felling is for reasons of good arboricultural practice.
13. The supporting arboricultural information¹ indicates that the trees have been subject to heavy pruning, and there is some root damage to one tree, although there are no specific details. This justification was provided at a late stage of the planning application process and is predicated on the basis that the development necessitates the removal. Additionally, the trees were required to be fully protected during the construction of the approved scheme.
14. Replacement planting would provide opportunities to diversify the age and species of trees, however, such new planting is to occur in other parts of the site and new planting is not a reason to remove a TPO tree. There is also no indication that the trees, which are located tight to the boundary, could not be retained.
15. Overall, I find that there are insufficient arboricultural and no structural reasons why all three Lime trees, which have a further life expectancy of 10-20 years, need to be removed, other than to accommodate the extensive basement. As such, the removal of trees with amenity value would be contrary to Local Plan policy LP56. There would also be harm to the character of the area and the conservation area setting in conflict with Local Plan policy LP3, which seeks to conserve features that contribute to the significance and character of heritage assets.

Other Matters

16. The Council also found that the proposal would conflict with criterion 5 of Local Plan policy LP6 requiring a minimum of 1m soil and 200mm drainage layer above any part of the basement beneath a garden area. Any extension to the basement beyond that already approved would be required to accord with this adopted policy. This relates to areas of soft landscaped garden, and therefore it is not necessarily a requirement for the whole of the area above the basement and does not preclude decking or other elements. However, details of the soil depth and drainage of the relevant areas are required, and the drainage details provided as part of this appeal have not been considered by the Council. Having found against the proposal on the main issues this is not a determinative matter and therefore I have not considered the appropriateness of the landscaping or drainage details any further.
17. The harm to the conservation area due to the proposed outbuilding and tree removal would be less than substantial. Accordingly, as set out in the Framework the harm should be balanced against the public benefits. The

¹ Tamla Tree letter dated 11 August 2023

alterations to the property are for the private benefit of the occupiers and whilst there would be some economic benefits associated with the construction work, these are limited and would not outweigh the harm I have identified.

Conclusion

18. For the reasons set out and having regard to all other matters raised, the appeal is dismissed.

G Ellis

INSPECTOR