



Appeal Decision

Site visit made on 13 February 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2024

Appeal Ref: APP/H5960/W/23/3329742

Belgravia House, 297-301 Balham High Road, London SW17 7BA

- 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 Mrs L Boys of BHL against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2023/0322, dated 24 January 2023, was refused by notice dated 23 March 2023.
 - The development proposed is alterations including erection of front and rear roof extensions to main rear roof to form two additional storeys, including roof terraces to the front and rear. Extensions and alterations in connection with the creation of 1 x one-bedroom flat and 2 x two-bedroom flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above I have used the description of development as stated on the Council's decision notice, rather than that given on the application form, as this more fully describes the proposed development. The appellant raises no objection to that description, which they have subsequently used in their appeal form and statement of case.
3. The Wandsworth Local Plan 2023-2038 (WLP) was adopted in July 2023 and superseded the Core Strategy and the Development Management Policies Document (2016). The policies within these plans have been replaced by the policies of the WLP which was referred to in the decision notice as Publication Version Local Plan (2023). I have assessed the appeal proposal accordingly.
4. The Government published a revised National Planning Policy Framework (the Framework) in December 2023. Those parts of the Framework most relevant to this appeal have not been significantly amended. Therefore, I am satisfied that there is no requirement to seek further submissions from the main parties on the revised Framework.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property and the surrounding area, including the settings of St Anselm's Church and St Anselm's Convent School, Grade II listed buildings; and,

- the living conditions of the occupiers of 295 and 303 Balham High Road, with particular regard to outlook, daylight and sunlight.

Reasons

Character and appearance

6. The appeal site relates to a large three storey building which is in mixed use as offices and residential accommodation. It is located on the south eastern side of Balham High Road close to the junction with Tooting Bec Road and Trinity Road. The surrounding area is predominantly characterised by ground floor retail and commercial premises with residential uses above. The Grade II listed St Anselm's Church is located a short distance to the south west.
7. There is some variety in the scale and design of properties on this stretch of Balham High Road. The prevailing character though is that of two and three storey buildings with generally consistent roof lines. The top of the roof of the appeal building is broadly in line with the adjacent properties so that it sits comfortably with its surroundings. This contributes to a harmonious and ordered character to the area.
8. The appeal proposal is for the erection of front and rear roof extensions above the main roof of the building to form two additional storeys accommodating three new flats. It is a revised scheme following the Council's approval of a previous application for roof extensions to create two flats¹.
9. The appeal proposal would result in the property appearing as a five storey building which would rise above the height of the neighbouring buildings on either side. I acknowledge the mixed character and appearance of the surrounding area and the variety of roof forms and heights. However, I consider that the roof extension to form a fifth storey would be a dominant addition to the host property which would be at odds with the adjoining buildings. It would appear noticeably taller and bulkier than the properties on this stretch of Balham High Road which have a generally consistent height. The resulting difference in roof heights would create a discordant visual relationship which would make the buildings appear disjointed.
10. Although the new fifth storey would be set back from the front of the building, it would nevertheless be visible from views along Balham High Road. Consequently, the scale, height and design of the proposed development would result in a form of development that would be harmful to the character and appearance of the building and the area. The use of matching materials and architectural details to reflect the existing building would not overcome the harm arising from the scale and form of the roof extension.
11. Policy LP4 of the WLP sets out that a building which does not fall within the definition of a tall building but which is five storeys or over, or 15 metres or more (whichever is lower), will be considered to be a mid-rise building. The appeal proposal would result in a building with five storeys which would fall within the definition of a mid-rise building. Policy LP4 explains that proposals for mid-rise buildings will be supported in tall and mid-rise building zones subject to a number of requirements including that the development responds appropriately in height, scale and massing to existing buildings. Proposals for mid-rise buildings outside the identified zones will be restricted.

¹ Council ref. 2021/0659

12. The site is not located within a tall and mid-rise building zone. In addition, I have found that the appeal proposal would fail to respond appropriately to existing buildings in terms of its height, scale and massing. Therefore, the proposal would not accord with the Council's spatial strategy towards mid-rise buildings and would conflict with Policy LP4 of the WLP in this regard.

Listed buildings

13. St Anselm's Church is a Grade II listed building constructed in red brick with a striking cupola set on the roof. It is a landmark building which occupies a highly visible position close to the busy road junction. Based on the evidence before me, and the definition of significance (for heritage policy) contained within the Framework, the significance of the building is derived from its history, age, form, and architectural features, together with the historic relationship with St Anselm's Convent School. The prominent position of the church and the cupola and dome to its roof contribute to the status and significance of the building.
14. Section 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the building or its setting.
15. Given its scale and position, the proposal would have a dominant presence on this side of the road. Although 313 Balham High Road is also a prominent building at the road junction, the cupola and dome to the roof of St Anselm's Church remain the dominant element in the street scene. The height of the proposed roof extension and the resulting break in the roofline of properties would be a distracting feature which would compete with the prominence of the church. I therefore consider that the proposal would fail to preserve the setting of the listed building.
16. St Anselm's Convent School is a three storey Grade II listed building which is located off Tooting Bec Road to the rear of the appeal site. Its significance lies in part in its historic and architectural interest and association with the church.
17. Due to the substantial distance between St Anselm's Convent School and the appeal site, and the intervening buildings at St Anselm's Primary School and flats at 301 Balham High Road, there is limited intervisibility between the site and this listed building. I consider that the proposal would result in no appreciable impact on the setting of the listed building including when viewed from its front garden or from Tooting Bec Road.
18. For the above reasons, I conclude that the proposed development would be harmful to the character and appearance of the host property and the surrounding area. It would also have an adverse effect on the setting of the Grade II listed St Anselm's Church. Therefore, the development would conflict with Policies LP1, LP3, LP4 and LP5 of the WLP which seek to ensure, amongst other things, that the scale, massing and appearance of the development provide a high quality, sustainable design and layout that enhance and relate positively to the prevailing local character and preserve and enhance the significance and setting of heritage assets. It would also conflict with guidance within the Council's Housing Supplementary Planning Document (2016) (SPD), which seeks to achieve similar aims, and Chapters 12 and 16 of the Framework, which promote well-designed development that is sympathetic to local character, and conserves and enhances the historic environment.

19. The harm to the significance of St Anselm's Church would result in less than substantial harm. This harm still however carries great weight. Framework paragraph 208 requires that the less than substantial harm be balanced against the public benefits of the proposal including securing its optimum viable use.
20. The proposal would contribute to the Council's housing supply in a highly accessible location. It would also make effective use of the space above an existing building and have economic benefits through the creation of employment opportunities during the construction phase and spending in the local area by future occupiers. Given the scale of the development, I attach only modest positive weight to these matters and conclude that they do not outweigh the less than substantial harm that would be caused to the significance of the designated heritage asset.

Living conditions

21. 295 Balham High Road is the adjoining property to the north eastern side of the appeal site. This neighbouring property includes windows at first and second floor levels on the rear elevation and further windows in the side elevation of a rear outrigger. The side facing windows would likely be affected due to the height, scale and proximity of the proposal but these are small windows which do not appear to serve habitable rooms. However, the larger windows to the rear of the neighbouring property are recessed from the rear elevation of the appeal property and are already affected by it in terms of outlook and light. Due to its scale, height and proximity, the creation of two additional storeys above the appeal building would appear as a dominant addition when viewed from the neighbours' rear windows. It would be likely to result in a further reduction in outlook, daylight and sunlight to the neighbours' windows which would be harmful to their living conditions.
22. On the other side of the site, 303 Balham High Road, has rear windows and a terrace close to the boundary with the site. The proposed roof extension adjacent to the boundary with No 303, which has been previously approved by the Council, would be limited to a single additional storey and stepped back relative to the neighbours' rear windows and terrace. The two additional storeys would be set further away from the boundary with No 303 and would not extend significantly beyond the neighbour's rear windows and terrace. Consequently, the outlook, daylight and sunlight to this neighbour's windows and terrace would not be unduly compromised by the proposed development.
23. The windows to the roof extension and terrace to the rear of 293 Balham High Road are set a reasonable distance away from the boundary with the appeal site and have a more open aspect. Therefore, this neighbouring occupier would not be significantly affected by the proposal.
24. The Council do not consider that the appeal proposal would harm the living conditions of the occupiers of No 301 to the rear or the flats at 297-299 Balham High Road. I also note that the Council has raised no concerns in relation to the impact on the neighbours' privacy. From my observations on the site visit, I have no reason to disagree with the Council's assessment in respect of these matters.
25. For the above reasons, I conclude that the development would have a harmful effect on the living conditions of neighbouring occupiers of 295 Balham High Road with regard to outlook, daylight and sunlight. Therefore, it would conflict

with Policy LP2 of the WLP and the SPD which seek to ensure, amongst other things, that development does not adversely impact the amenity of neighbouring occupiers by reason of impacts on levels of daylight, sunlight or overbearing effect.

Other Matters

26. The appellant states that the Government has placed increased emphasis on building upwards through Part 20, Class AB of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, paragraph 124 of the Framework is clear that upward extensions should be allowed where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene. This would not be the case in this instance.
27. The appellant refers to a lack of third party objections, but this is not a ground for allowing the appeal unless founded upon valid planning reasons. I have found harm in this instance.

Planning Balance and Conclusion

28. I recognise that there would be a public benefit from the provision of additional flats to meet housing demand in an accessible location, and this carries modest positive weight given the scale of the development. However, I have found that the proposal would be harmful to the character and appearance of the host property and the surrounding area, the living conditions of neighbouring occupiers and the setting of a Grade II listed building, St Anselm's Church. This latter harm attracts great weight in accordance with the advice contained in paragraph 205 of the Framework. Therefore, the benefits of the proposal do not outweigh the significant harm that I have identified.
29. The proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, which outweigh this finding. Therefore, I conclude that the appeal should be dismissed.

M Offerenshaw

INSPECTOR