



Appeal Decision

Site visit made on 15 February 2024

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2024

Appeal Ref: APP/H5390/W/23/3328902

316 Wandsworth Bridge Road, London, SW6 2TX

- 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 Hawkshead Limited against the decision of London Borough of Hammersmith and Fulham.
 - The application Ref 2022/03523/FUL, dated 1 December 2022, was refused by notice dated 6 April 2023.
 - The development proposed is 'Redevelopment of existing site to erect a 4 storey mixed use development comprising flexible commercial floorspace (Class E(a)/Class E(g) at ground floor, with residential development (Class C3) at ground, first, second and third floors comprising no.9 dwellings with associated cycle provision, refuse and amenity space.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal the appellant forwarded a copy of London Plan Policy D6 to support the arguments in relation to proposed floor space within the residential units. Although this was not cited in the Council's reasons for refusal, it is discussed in the officer's report, and I have found it appropriate to include it within my reasoning.
3. I have also referred to London Plan Policy S4. This is referenced in the officer's report and also provided in the evidence before me.

Main Issues

4. The main issues are:
 - Whether the development would accord with local policies with regard to housing provision and best use of land; and,
 - The effect of the development on highway safety, with particular regard to parking stress and air quality.

Reasons

Housing provision

5. The appeal site is a corner plot at the junction of the busy Wandsworth Bridge Road, and Hugon Road. Although Wandsworth Bridge Road has a mixed

character, with retail and commercial premises, the side roads with long terraces of modest period dwellings have a distinctly residential character. Council has not objected to the proposed mixed development which would comprise ground floor offices and flatted accommodation above. On the basis of what is before me, I see no reason to disagree.

6. The development would provide nine flatted units. The Council has raised an objection that the development fails to make the best use of land as required by the Local Plan (LP) and the London Plan.
7. The appeal statement sets out that the development would provide three high-quality three bedroom family units as well as six units with one or two bedrooms.
8. London Plan Policy D6 requires housing to be high quality and Table 3.2 sets out key qualitative aspects. Private outdoor amenity space is to be a minimum of 5 square metres (sqm) for a 1-2 person dwelling with the addition of an extra 1 sqm for each additional occupant. The policy text goes on to state that private amenity space should be usable. External communal space is to be sufficiently large to meet the requirements of the numbers of residents, to support a balance of informal social activity and play opportunities for various age groups, and to be designed to allow overlooking, amongst other considerations.
9. Each three bedroomed family unit would have balcony units as well access to the rear communal space. Unit 2 would exceed private amenity space requirements, but the space would be split between three balcony areas which would limit its usefulness. Two of those balcony areas would project from the development's front elevation and directly overlook the busy Wandsworth Bridge Road and the third would be less than the minimum depth set out in the Planning Guidance SPD. The third balcony would also be accessed from a bedroom which could limit its usefulness. Notwithstanding that the total area would exceed the minimum requirement, the space would not be particularly usable or inviting for family use, particularly as the projecting front balconies would have a very poor combination of openness and protection, also required by the London Plan Policy D6.
10. Unit 1 would also have its private amenity space split between three balcony areas, and again two of these would project towards and be directly alongside the main road. The third balcony would overlook the communal space at the rear of the development but as the main living areas would be at the front of the development this would not be particularly convenient for casual surveillance from Unit 1. Unit 3 also has amenity space, split between two balconies but one is a more usable rectangular space accessed from the main living area which would be more usable for families.
11. Overall, the private amenity space provided for family units would be fragmented, with a large part of it close to a very busy road and it would have poor usability. As such, I am unable to conclude that the development would provide high quality family accommodation with regard to private amenity space.
12. The communal area itself would not be particularly large, with dimensions of roughly 8 by 9 metres. It would be surrounded on two sides by the development, with one boundary at four storeys and the other two and three

storeys. A third boundary would be the blank two-storey wall of the adjoining Studio premises and most of the fourth boundary would be the blank two-storey wall of the adjoining plot. At my visit, around lunchtime, there was some sunlight in this area but given the surrounding walls, it seems unlikely that the area would get regular sunlight throughout the day or seasons and the height of the built form on the boundaries would make the space somewhat oppressive. Although the daylight and sunlight report has assessed light access in nearby gardens on Hugon Road, it has not assessed light entry into the communal garden.

13. Moreover, this small communal area could in principle be used by occupiers of all nine units, three of which would be promoted as three bedroomed family units. London Plan Policy S4, referred to in the officer's report, sets out criteria for the design of play and informal recreation likely to be used by children and young people. These include opportunities for passive surveillance and spatial requirements per child. Although it is unclear how many children might live in the development at any one, given the mix of proposed three and two bedroomed units it seems likely that the spatial threshold relating to the numbers of children could be exceeded. Moreover, the communal space on the ground floor would not be overlooked at all by Unit 2, which would reduce its usefulness for occupiers of that unit to a significant degree.
14. Given the relationship of the space to the development, the amenity requirements of family and non-family based accommodation and likely numbers of users in this small space, I am unable to conclude that the communal space would provide a high-quality outdoor environment, particularly in relation to families.
15. I appreciate the Council's concern that the first floor layout appears contrived compared to the floor plans of the two floors above. However, in principle I see no reason why a development should not include the mix of units proposed. Nor do I find particular harm arising from the exceedance of minimum space standards as minimum standards are exactly that.
16. A concern has been raised that the living area of a second floor unit would be above the bedroom of a first floor flat. However, issues of noise transmission could be dealt with by other means if the appeal was allowed.
17. Nonetheless, although I do not find harm in relation to the floor plans in that regard, this does not outweigh my concern in relation to the inadequacy of the private and communal amenity space provided for the family units. As the provision of these units on the first floor appears to reduce the number of units provided overall, I conclude that the development would fail to optimise the housing capacity of the development. This in turn has affected whether the development would meet the threshold for the provision of affordable housing.
18. The appellant has raised the concern that more units within the development would be single aspect if the overall number of units was increased. However, single aspect units are already proposed in the development and London Plan Policy D6 gives flexibility in this regard if it accommodates a more appropriate design solution.
19. Nonetheless, with regard to the provision of amenity space, the development would not accord with local policies with regard to housing provision. There would be conflict with LP Policies HO4 and Policy HO5 which taken together

require housing development to provide a high-quality residential environment, with a good range of housing types and sizes, amongst other considerations. The development would also fail to accord with London Plan Policy D3 which requires development to optimise site capacity, including achieving indoor and outdoor environments that are comfortable and inviting for people to use, and London Plan Policies H1, H2 and GG2 which taken together support the optimisation of housing delivery development of well-designed homes on small sites and the best use of land. There would also be conflict with London Plan Policy H10. Although this policy supports the provision of family homes, my concerns in relation to amenity space have led me to conclude that the family homes provided would not be of appropriate quality. There would also be conflict with London Plan Policy S4 as set out above and the Planning Guidance SPD, which requires dwellings to provide access to an area of amenity space appropriate to the type of housing being provided.

20. As the development would increase housing supply there would not be conflict with LP Policies HO1 and HO3 which are concerned respectively with general housing supply targets, and the provision of affordable homes on sites with 11 or more dwellings respectively. London Plan H4 also seeks to secure affordable housing but this development does not appear to meet any of the specific triggers set out in that policy and as such it weighs neither for nor against the appeal.

Planning obligation

21. The Council has raised a concern in relation to an increase in residential parking which could lead to adverse effects on highway safety, aggravate congestion, a deterioration in air quality and on-street parking stress. The site has good access to public transport and on-street parking in the area appears to be highly restricted. More dwellings could lead to greater parking stress and an adverse impact on air quality.
22. There is a completed Unilateral Undertaking (UU) before me which seeks to restrict access to parking permits through restrictive covenants, and this would mitigate the effects of the development arising from increased private car ownership. However, access to parking permits cannot be directly controlled through planning legislation, as eligibility is controlled by local Traffic Orders. There is nothing in the UU that sets out a mechanism for ensuring that the Council amends its Traffic Orders, or for providing a contribution in that regard.
23. As such, I am unable to conclude that the development would meet the requirement for car free housing and associated impacts on air quality as set out in LP Policies CC10, T4 and London Plan Policies SI1 of the London Plan, T2 and T6 which taken together promote car-free development, mitigation for highways impacts, patterns of land use that reduce the dominance of vehicles and car free development amongst other considerations.

Other matters

24. I do not disagree with the appellant that there is no policy requirement to provide affordable housing on development with ten units or more, and that the site is below the threshold for smaller sites. However, this does not alter my reasoning.

25. Interested parties have raised a concern in relation to the development's height. However, as I have found harm in relation to the main issues there is no need for me to consider this further. I acknowledge that there is support for the proposals but this does not alter my reasoning.
26. The boundary of the Hurlingham CA is close to the site. However, I have no information regarding the CA's key characteristics and given the variation in building height and design on Wandsworth Bridge Road I am satisfied that the development would not have adverse effect on the setting of the CA.

Conclusion

27. The development would redevelop a vacant site and provide commercial space along with flatted accommodation. These are significant benefits. However, the configuration of the flatted units has limited residential accommodation to nine units which is just below the threshold for affordable housing contributions on the basis that high quality family accommodation would be provided. I have concluded that the family units would not be high quality as a consequence of poor quality amenity space, whether private or communal.
28. As such, I conclude that the development would fail to accord with local policies and national guidance and there are no material considerations of such weight to lead me to conclude otherwise. The appeal is dismissed.

A Edgington

INSPECTOR