The Planning Inspectorate

Appeal Decision

Site visit made on 3 July 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2024

Appeal Ref: APP/H5960/W/23/3335304
1-6 Cherwell Mews, Wandsworth, London SW11 1AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Holroyd, Cherwell Investments Ltd against the decision of the Council of the London Borough of Wandsworth.
- The application Ref is 2023/0052.
- The development proposed is the construction of one additional storey of new dwellinghouses to provide 2 new residential units.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development above from the planning application form. However, a more accurate version is provided in the planning decision notice and appeal form as 'Erection of three-storey side extension to the north elevation and erection of one additional storey in connection with the creation of 2x1 bedroom flats with roof terraces'. I have proceeded accordingly.

3. The Council adopted the Wandsworth Local Plan 2023-2038 (the WLP) on 19 July 2023. This supersedes the Wandsworth Local Core Strategy and Development Management Policies Document, the policies of which were previously relied upon by the Council in its decision notice. The appellant nevertheless commented on this matter within their statement of case.

4. My consideration of this appeal must be on the basis of the development plan which is in force at the time of my decision and, given the above, I am satisfied that no party has been prejudiced by me doing so.

5. During the course of the appeal the Council confirmed that it considers the proposal no longer results in unacceptable harm to neighbouring properties in respect of light due to an updated daylight and sunlight assessment which was submitted by the appellant. As such, there is no need for me to consider this matter further.

Main Issues

6. The main issues are the effect of the proposal on a) the character and appearance of the area, and b) the living conditions of neighbouring residents, with particular regard to outlook and noise and disturbance.

Reasons

Character and appearance

7. This appeal concerns a three storey building located on a backland site nestled between three storey terraced properties on Battersea Rise, four storey properties on Auckland Road, a three storey residential block of flats at 14 Abyssinia Close and the three storey Northcote public house. The appeal building is currently in commercial and residential use.

8. I acknowledge that, as a result of the proposal, the appeal building would be lower than the surrounding properties, particularly those on Auckland Road which would continue to tower over the appeal building by virtue of their scale and the rising topography.

9. However, the difference in height would only be very marginal and not readily discernible when compared to the nearest properties at 101-105 Battersea Rise and 14 Abyssinia Close. Indeed, the increased ridge line of the appeal building would exceed the height of the eaves of the Battersea Rise properties. The height of the proposal and resultant building would visually compete with Nos 14 and 101-105. Along with its close positioning to those properties, this would result in little relief between built form in this locality thus causing the building to appear cramped in its plot.

10. The diagonal positioning of the additional storey results in set-backs from the floor below at various points and by varying amounts. This arrangement adds interest in parts, particularly the front elevation. Nevertheless, the north, south and west elevations would appear bulky and intrusive by virtue of the lack of interest and movement on the predominantly full height elevations. The proposal would be a convoluted design which adds a dominant and incongruous bulk to the host building. Features such as the limited truncating of the roof, recesses and the use of cladding are not sufficient to break down the effect of the additional massing so as the proposal would be a subservient and sensitively integrated addition to the building.

11. The existing building is of a contemporary design, with the ground floor cut into the land. Due to the design approach and its height and massing, it currently sits comfortably within this backland site. I appreciate that the proposal draws upon the contemporary style of the existing building. However, by virtue of all of the above factors, the proposed development and the resultant building would no longer be of a modest scale and form that is sympathetic with its locality. This would be readily apparent from Battersea Rise through the gap at the ambulance station and from neighbouring properties.

12. My attention has been drawn to other examples of backland development which may be taller in height than surrounding buildings. I do not have the full details of each example before me thus cannot ascertain whether the circumstances around their approval are directly comparable to this appeal. Regardless, even if four storey buildings within a mews setting are common in the locality, it is important that each example is determined on its own merits based on the particular circumstances of the case.

13. Taking all the above into consideration, the proposal would result in harm to the character and appearance of the area thus it would conflict with policies LP1 and LP5 of the WLP. Together these aim to achieve developments where

the scale, massing and appearance is of a high-quality design that respects and/or complements the form and detailing of the host building so as to avoid adverse impacts on local character.

Living conditions

14. I have set out above how the design approach, scale and massing of the proposal would result in an overly dominant building. Taking this into consideration with the close relationship with the nearest habitable rooms at Nos 101-105, the appeal proposal would be overbearing and intrusive and result in a poor outlook and sense of enclosure for occupiers at those properties. Even if the separation distance involved may be reflective of an urban context this is not sufficient to overcome this harm.

15. Although No 14 is within very close proximity to the appeal building, I consider that the addition of the roof terrace and any privacy screen would not result in a discernible reduction to outlook from the nearest habitable room window given its existing relationship with a side elevation of the appeal building.

16. Additionally, when seen from the rear gardens of properties on Auckland Road, the proposal would not interfere with the outlook for occupiers by any significant degree due to the separation distance to the building, the set back of the additional storey and the changes in land levels.

17. Whilst the proposed terrace of Flat 6 would be within close proximity to No 14, it seems to me that it would be adjacent to but above a window serving a kitchen. Furthermore, the terrace would be of a modest size and thus not able to accommodate a significant amount of people. No further clarification has been provided by the Council as to why this relationship would result in noise and disturbance to the detriment of the living conditions of occupiers at No 14. I find no harm in this regard.

18. Nevertheless, for the reasons given the proposal would harm the living conditions of neighbouring occupiers with regard to outlook. It therefore conflicts with Policy LP2 of the WLP which seeks to ensure that developments do not adversely impact the amenity of occupiers of neighbouring properties.

Conclusion

19. The proposal would increase the density of a small, brownfield site in an accessible location through the provision of two additional dwellings. It would also result in economic benefits during construction and on subsequent occupation. However, given the scale of the development I afford these benefits limited weight. Compliance with other parts of the WLP and national planning policy are neutral matters that do not weigh in favour of the proposal.

20. The development would result in harm to the character and appearance of the area and the living conditions of neighbouring occupiers. This harm leads to conflict with the development plan as a whole and there are no other considerations which indicate a decision should be made other than in accordance with it. Therefore, the appeal should not succeed.

H Ellison

INSPECTOR