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# Appeal Decision

Site visit made on 15 July 2024

**by F Wilkinson BSc (Hons), MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24<sup>th</sup> July 2024**

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**Appeal Ref: APP/H5960/W/24/3342582**

**1 - 9 Avery Walk, London SW11 5FU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Rishin Kotecha of Fruition Properties against the decision of the Council of the London Borough of Wandsworth.
  - The application reference is 2023/4230.
  - The application sought planning permission for demolition of existing industrial buildings (Use Class B2) and erection of 9 x 4 bedroom three-storey (with basement) residential dwellings (Class Use C3) with second floor balconies and roof terraces, including new access and parking areas, without complying with a condition attached to planning permission Ref 2019/1855, dated 30 August 2019.
  - The condition in dispute is No 2 which states that: The development shall be completed in accordance with the drawings and documents (2019-001-L01, 2019-001-L02, 2019-001-L03, 2019-001-L04, 2019-001-L05, 2019-001-L06, 2019-001-L07, 2019-001-L08, C151487/C/002 Rev P4) hereby approved in relation to details of landscaping. The approved landscaping scheme shall be carried out in accordance with the approved details and completed prior to the occupation of the development, or in accordance with a programme agreed in writing with the local planning authority.
  - The reason given for the condition is: To ensure a satisfactory appearance in accordance with Council policy DMS1 of the Development Management Policies Document (adopted March 2016) coupled with the requirements of the National Planning Policy Framework 2019.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The address in the banner heading above is taken from the Council's decision notice and appeal form rather than the application form. This is because the dwellings that have now been built have been given a new address.

## Background and Main Issue

3. Planning permission was granted for the development as described in the banner heading in 2015. Several applications were subsequently made and approved for amendments to the scheme. The approved landscaping scheme was modified through permission reference 2019/1855. The appellant now wishes to amend this landscaping.
4. The main issue is the effect of the proposed landscaping on the character and appearance of the area.

## Reasons

5. The approved landscaping scheme would introduce several climbers and other vertical landscaping along the southern boundary of Avery Walk and the front elevation of the terrace of dwellings. It would comprise climbers on two trellises to be located on the wooden fence near to the Devas Club building. A three-metre-high pre-grown green screen extending to around 11.96 metres in width would be located across five of six parking bays. Three climbing plant areas of around 2.18 metres in width would be sited along the front elevation of the terrace of dwellings.
6. The approved landscaping scheme is not extensive. Nevertheless, it would help to lessen the stark appearance of the length of wooden fencing and wall along the southern boundary of the development. Through the provision of landscaping along the border, the approved landscaping scheme would make a positive contribution to softening the appearance of the hardscaping that comprises the concrete blocks/pavers of the parking areas and Avery Walk, which is part of the public realm; and the built form of the three storey dwellings. It would also help to integrate the development with its surroundings where both Sugden Road and Stormont Road to the west and east have a verdant appearance due to the presence of street trees and garden vegetation.
7. The proposed landscaping would see the replacement of the landscaping elements described above with three floor planters that would be sited along the front elevation of the dwellings. While the number of floor planters proposed would be the same as the approved landscaping scheme, they would be smaller, at around 1.3 metres in length and 0.2 metres in width.
8. There is no dispute between the main parties that the proposed landscaping would still provide more soft landscaping than was on the site prior to the development, although as identified by the Council, it previously comprised industrial buildings with no soft landscaping at all. However, it would result in a material reduction in the overall amount of soft landscaping compared to the approved landscaping scheme. This would leave a significant expanse of wooden fencing and wall, broken up only by parked vehicles and the bin store. The result would be a harsh southern boundary to the development and along Avery Walk.
9. The proposed landscaping would not appropriately soften the appearance of the development. The absence of planting along the southern boundary would result in a landscaping scheme that would not satisfactorily integrate the development with its surroundings. As a result, the proposed landscaping would materially diminish the quality of the approved development.
10. Avery Walk serves the residents of the dwellings but is also publicly accessible for vehicles and pedestrians. During my site visit, which I appreciate is a snapshot in time, I observed several pedestrians and cyclists using Avery Walk as a means of access. Glimpsed views are also possible along Avery Walk from its junction with Sugden Road and Stormont Road. Avery Walk, the dwellings, and the fencing and wall that run along the southern boundary are therefore clearly visible to residents of the development and the wider public.
11. The appellant identifies that the scheme, at nine dwellings, is not a major development and so it would not fall within the scope of Policy G5 of the 2021 London Plan which requires urban greening. However, Policy LP1 of the 2023

adopted Wandsworth Local Plan 2023-2038 (the Local Plan) requires development proposals to reflect and demonstrate that an integrated approach to hard and soft landscaping design which maximises urban greening, and incorporates new, natural features into a multifunctional network that supports quality of place, biodiversity, and water management has been applied. Policy LP56 of the Local Plan requires the provision of planting, including new trees, shrubs, and other significant vegetation. While this policy does not set requirements for the type or quantum of planting, it does require evidence to demonstrate that provision has been made for the incorporation of planting that creates new high-quality green areas.

12. The landscaping requirements of these policies are caveated with the words 'having regard to their relevance within the context of the scale and nature of the development proposed' and 'where appropriate'. I acknowledge that the scope for soft landscaping is somewhat limited given the nature of the development which includes a large width of hardstanding to enable parking and vehicle and pedestrian access. Nevertheless, the approved landscaping scheme demonstrates that there is scope for the development to accommodate additional soft landscaping that would make a noticeable positive contribution to urban greening and quality of place.
13. The appellant claims that maintaining the approved landscaping scheme would put an undue financial burden on residents of the development and that residents are content with the existing situation. However, there is no substantive evidence to support this view, and the comments of an interested party would seem to contradict this position.
14. The proposed landscaping would not maximise urban greening, or adequately incorporate new, natural features into a multifunctional network that supports quality of place, having regard to the scale and nature of the development. Nor would it create a high-quality green area. Consequently, I conclude that the proposed landscaping would have a significantly harmful effect on the character and appearance of the area. The appeal proposal would not therefore comply with Policies LP1 and LP56 of the Local Plan, as summarised above.

### **Other Matters**

15. The significance of the Grade II\* listed Church of the Ascension located to the north of the site is due in part to the aesthetic value of its ecclesiastical Gothic-style architecture and the evidence it provides of this architectural style, materials and building techniques. Given the separation distance and intervening properties, the appeal proposal would not harm the setting of the listed building or its significance as a designated heritage asset.

### **Conclusion**

16. The proposal would conflict with the development plan taken as a whole. There are no material considerations that would indicate a decision other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

*F Wilkinson*

INSPECTOR