



Appeal Decision

Site visit made on 26 July 2024

by H Marriott MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2024

Appeal Ref: APP/H5960/D/24/3340274

41 Albert Bridge Road, London SW11 4PX

- 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 I Chalbaud against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref is 2023/3970.
 - The development proposed is for alterations to include the excavation to create basement parking area and associated hard and soft landscaping works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site, 41 Albert Bridge Road (No 41), is a residential property located in the Battersea Conservation Area (CA). In considering whether to grant planning permission, I have been mindful of my statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
3. The trees on the appeal site are covered by a Tree Preservation Order (TPO 10/1996). The BS5837 Arboricultural Impact Assessment & Method Statement (October 2023) (AIA) submitted with the planning application subject of this appeal, proposes the removal of a tree group consisting of three lime trees adjacent to the flank elevation of 2 Cambridge Road (No 2) (AIA reference TG3). The decision notice makes it clear that the Council's main area of concern relates to the loss of two out of three of these trees. I have had regard to this in defining the first main issue.
4. A separate tree works consent was granted to remove an ash (AIA Reference T6), a lime (AIA Reference T7) and a mixed species hedge (AIA Reference TG2) (Council reference 2023/3828 granted December 2023). Planning permission is in place 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). At the time of my site visit building work was taking place and T6, T7 and TG2 had already been felled/removed. I have had regard to these extant matters in my consideration of the appeal.

5. A previous planning application for alterations to include the excavation to create basement parking and associated hard and soft landscaping works was refused by the Council (Council reference 2023/1340) (2023 decision). That proposal was subsequently dismissed at appeal (Reference APP/H5960/D/23/3334863). While the proposed development before me differs from this earlier scheme, I have had regard to the other Inspector's findings, insofar as they are relevant to the matters in dispute.

Main Issues

6. The main issues are:

- whether the character or appearance of the Battersea Park Conservation Area would be preserved or enhanced with particular regard to the removal of trees; and
- whether or not adequate arrangements are made for drainage and landscaping.

Reasons

Character and appearance

7. The CA designation encapsulates Battersea Park (the Park) and the surrounding streets to the south of the River Thames. The special interest of the CA is derived from the relationship between the Park and its interface with the surrounding streets. Significance is also derived from the presence of large trees within the Park, in gardens and along the streets as well as the prevalence of traditionally designed houses which exhibit distinctive and ornate architectural detailing and traditional materials. The relationship with the Park, high quality of the architecture and the verdancy of the area's tree cover are important components that contribute to the significance and special interest of the CA as a whole.
8. No 41 is a large, detached property positioned close to the junction of five roads and opposite the Park. As such, it differs to the more typical terraced dwellings which line Albert Bridge Road. The Battersea Park Conservation Area Appraisal and Management Strategy (CAAMS) describes it as a substantial detached late nineteenth-century house of two-storeys with three-storey gabled wing of red brick. Mature trees set behind a brick wall line the boundaries which, together with the garden space around the property soften the appeal site's interface with the street and this positively contributes to the character and appearance of the area.
9. In the 2023 decision, the Inspector found that there were insufficient reasons why the three lime trees (TG3) needed to be removed, given their amenity value and life expectancy of approximately 10-20 years. The current proposal includes a reduced size basement, retention of a cherry tree (T5) and an amended swimming pool shape when compared with the 2023 appeal proposal.
10. Even so, the removal of T6, T7 and TG2 has created a gap between TG3 and T5. Notwithstanding the categorisation of TG3 in the AIA as category C, these trees help to bridge the gap between T5 and the trees at the neighbouring property at No 2 and as a result their amenity value has been emphasised through the removal of other trees within the appeal site. Consequently, I find

that their removal would unacceptably diminish the tree line along Cambridge Road to the significant detriment of the character and appearance of the CA.

11. Whilst the Council raises no objection to the removal of one of the lime trees within TG3 due to existing root damage, they do not agree with the assessment set out in the AIA for removing all three lime trees. I agree with the Council and consider the removal of the other two trees to be predicated on the basis that the proposal necessitates their removal as opposed to more immediate reasons of good arboricultural practice. As a consequence, this does not overcome my overall observations in respect of the collective contribution of this group of trees to the visual amenity of the CA.
12. The appellant states that a replacement planting scheme including semi-mature large leaved limes in planter boxes is proposed. Whilst this replacement planting could provide opportunities to diversify the age of trees, it is not a reason to remove TPO trees. Moreover, it has not been demonstrated that proposed new tree planting within narrow planters close to the boundary would flourish on the site or have the same level of amenity value as TG3 in the future.
13. Overall, despite the amendments made when compared with the previous scheme, I concur with the previous Inspector's findings that there are insufficient arboricultural and no structural reasons why all three lime trees protected by TPO need to be removed. As a result, the proposal would fail to preserve or enhance the character or appearance of the CA as a whole.
14. It follows that the proposal would fail to accord with the statutory presumption under s72(1) of the Act and there would be harm to the significance of the CA as a designated heritage asset. Given the scale and nature of the proposal, the degree of harm to the significance of the CA would be less than substantial. Paragraph 208 of the of the National Planning Policy Framework (the Framework) says that in such circumstances this harm should be weighed against the public benefits of the proposal.
15. The 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. The Framework indicates great weight should be given to the conservation of a designated heritage asset. I therefore find that the public benefits of the proposal would not outweigh the less than substantial harm identified, leading to conflict with the historic environment protection policies of the Framework.
16. Overall, the proposed development would fail to preserve or enhance the character or appearance of the CA with particular regard to the removal of trees. In this respect, it would fail to accord with Policies LP3 and LP56 of the Wandsworth Local Plan 2023 – 2038 (2023) (LP) which seek to conserve features that contribute to the significance and character of heritage assets and 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.

Drainage and landscaping

17. The Council suggests that the proposal would not meet the requirement of Policy LP6 of the LP which requires a minimum of 1 metre of naturally draining permeable soil and 200mm drainage layer above any part of the basement

beneath a garden area. However, the proposed basement beyond that already approved would be small and would mainly be constructed under existing impermeable areas. The Flood Risk Assessment (March 2023) states that there would be no increase in impermeable areas on the site overall as a result of the proposal. Therefore, I have no evidence before me to suggest that the site could not be effectively drained as a result of the proposal.

18. Nevertheless, I have already found under the first main issue that, by virtue of the narrow planters and existing site constraints, adequate replacement tree planting would not be achievable. On this basis, I conclude that whilst the proposal could make adequate arrangements for drainage, the proposal would not make adequate arrangements for landscaping. The proposal therefore fails to comply with policy LP6 of the LP (2023) which requires a satisfactory landscaping scheme in proposals for extensions to existing basements.

Other Matters

19. In understand the appellant's intention to create an attractive garden with new planting and a maintenance regime and that would ensure a neighbourly relationship between such planting and adjoining properties. However, this does not necessitate the removal of the lime trees. The appellant also alleges a lack of engagement from the Council. Whilst noting the appellant's frustration in this regard, I have considered the development on its own merits against the relevant policies of the development plan and the Framework.

Conclusion

20. The proposed development conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

H Marriott

INSPECTOR