
Appeal Decision

Site visit made on 22 August 2024

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 September 2024

Appeal Ref: APP/H5960/W/24/3342383

10 Alderbrook Road, Wandsworth, London SW12 8AG

- 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 Peter Hopkin against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref is 2023/3162.
 - The development proposed is the demolition of existing two storey property and erection of three storey property with roof and basement accommodation and creation of 5 self-contained flats (2 x 3-bed, 1 x 2-bed, 2 x 1-bed/1-person) with outside amenity space and associated refuse and cycle storage.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing two storey property and erection of three storey property with roof and basement accommodation and creation of 5 self-contained flats (2 x 3-bed, 1 x 2-bed, 2 x 1-bed/1-Person) with outside amenity space and associated refuse and cycle storage at 10 Alderbrook Road, Wandsworth, London SW12 8AG in accordance with the terms of the application, Ref 2023/3162, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Peter Hopkin against the Council of the London Borough of Wandsworth. This application is the subject of a separate decision.

Preliminary Matter

3. The description of development was amended during the planning application revising down the total number of proposed flats from six to five. I have considered the appeal based on the revised description and adopted this in the banner above and my decision.

Main Issue

4. The main issue in this appeal is whether future occupants of the proposed development would have satisfactory living conditions, with regards to amenity space provision.

Reasons

5. The appeal site relates to a detached two storey dwelling on the western side of Alderbrook Road which is predominantly in residential use and character. Neighbouring properties typically have modest front gardens and a rear garden, though they are mixed in their type and scale. The appeal property has a modest front and rear garden and it is around a two-minute walk from Clapham Common to the north-east. Wandsworth Common is roughly fifteen-minute walk away on foot.

6. Policy LP27.A.2 of the Wandsworth Local Plan 2023-2038 (Local Plan) requires all new residential development to meet all requirements for housing standards and private internal amenity space as set out in Policy D6 of the London Plan and provide private outside space to a minimum of 10sqm for 1 and 2 bedroom dwellings and 15sqm for dwellings with 3 or more bedrooms (excluding footpaths, parking areas, access ways, side or front gardens).
7. Four of the five proposed flats would not have private outside amenity space. The exception is flat 1 on the ground floor, which would have a suitably sized private garden to the rear of the proposed building. Nevertheless, in the round, the proposal would not accord with the standard in LP27.A.2. As such, future occupants of those flats would not be able to benefit from their own private outdoor amenity space while living at the property. This type of space is important to support residents' quality of life and wellbeing.
8. The appeal site is, however, constrained and the inclusion of private outdoor amenity spaces on roofs or balconies within a scheme on this site could, given nearby neighbouring residents, potentially harm their living conditions. There would also likely be knock on effects on the outlook from the proposed flats if screening were employed to secure the privacy of neighbouring residents.
9. It can sometimes be difficult to balance the aims of making effective use of land, providing housing, ensuring development responds to the local area and so that existing and future occupants have adequate living standards. Specifically, here, there are two large public spaces within walking distance of the appeal site, one much closer than the other. Clapham Common is used year-round by a range of people for sport, recreation, and socialising. There is also sports pitch provision here. Clapham Common is said to be favoured by people to relax and socialise compared to using small terraces or balconies. I do not consider potential noise, disturbance, and privacy issues to be the central reasons why people would be more likely to use Clapham Common. Its size, proximity, offer, and the ability to socialise with others are more likely to be the reasons why it would be preferred. It would likely be used by future occupants regardless of the extent of private outside amenity space on the appeal site, though I acknowledge on-site provision would only likely be used in conjunction with Clapham Common.
10. Wandsworth Common is further away but walkable. The same general points to those relating to Clapham Common apply, save that future occupants are more likely to favour Clapham Common due to its proximity. The open space at Wandsworth Common would only add to the range of provision future occupants could draw upon.
11. Safety concerns have been raised about people using the two large public open spaces. Those concerns may affect future occupants' willingness to use parts of those spaces or at certain times of the day. However, they are well used and there are large open spaces with good natural surveillance at Clapham Common or parts adjacent to busy roads. Overall, despite the concerns, I consider there to be a good standard of public open space that future occupants could use to support their quality of life and wellbeing, even if the Council are correct that occupiers value their own amenity space more since the pandemic.
12. I am mindful that the Council reached a different decision in respect of the outdoor amenity space provision in the scheme at No 8 in March 2022 to the

one it reached here. However, the policy standard is the same regardless of the change to the development plan. Each of the four units without any outdoor amenity space sold at No 8 and I note the estate agents experience of the sale of these units.

13. Various other decisions taken by the Council are cited by the appellant, but I do not know where these schemes are in relation to the appeal site. Nor do I know the exact circumstances of each case or how the decisions were reached to be able to understand whether they are directly comparable or not.
14. Drawing these matters together, the proposal would conflict with Local Plan Policy LP27.A.2, however, in this case there is no material harm arising from this conflict as there is a large public open space close to the appeal site that would support future occupants quality of life and wellbeing. Further, while the composition of the Planning Committee may have changed since the decision was taken in respect of No 8, both decisions were the Council's. The view taken by the Council at No 8 only supports my judgement about the lack of material harm arising from the policy conflict in this case.

Other Matters

15. I am satisfied that the Holm Oak tree, protected by a Tree Preservation Order, can, subject to the imposition of a planning condition, be protected during and after the development.
16. Concerns about the scale, density, character, and appearance of the proposal are noted, but given the scale, layout, density, character, and appearance of built form in the locality, I do not disagree with the Council's assessment on these matters, but I will impose conditions, so the development harmonises with the area. The site is also well located and a range of public transport, facilities and services are accessible. There is no substantive evidence to support a view that the proposal would place undue strain on them. The proposal also includes cycle parking provision which would, alongside the other facilities and services in the area, encourage people to use means of transport other than private vehicles. Moreover, the proposal would only result in a modest difference in vehicle movements and car parking demand in an existing controlled parking zone.
17. Although a single-family home would be lost, a mixture of units would replace it instead. That mix includes two three-bedroom units that would be suited to families, among others. Further, as the proposal is not a major development it is below the threshold whereby affordable homes are required. In any event, the proposed flats, which would accord with the minimum internal space standards and be dual aspect to ensure adequate levels of light and outlook, would add to the mix and supply of homes in Wandsworth. Those would be attractive to a wide spectrum of society. Imposing a condition about who can own any of the flats would not satisfy the tests of being reasonable or relevant to the development to be permitted.
18. Subject to planning conditions, the proposal would not cause unacceptable harm to the living conditions of nearby residents with regards to daylight, sunlight, outlook, privacy, noise, or disturbance. I do, however, recognise that nearby residents are likely to experience noise and disturbance during the construction phase of the proposal. Those effects are, however, time limited and the hours in which works take place can be controlled. The Council has powers should residents experience unsociable working hours or adverse noise levels during the construction of the development.

19. I also have no reason to disagree with the Council's assessment about the proposal's compliance with development plan policies in respect of carbon dioxide emissions, water efficiency and NO_x emission boilers.
20. The proposal has attracted numerous representations and the Council carried out two consultations. Hence, I am of the view that people have had the opportunity to make their feelings known about the proposal.

Conditions

21. I have imposed a plans condition in the interests of certainty. Due to residents' concerns about noise and disturbance from construction I have imposed a condition controlling the hours in which those works can take place. Conditions regarding the materials, site levels and landscaping are necessary in the interests of the character and appearance of the area. Tree protection measures are necessary so that the development does not harm nearby trees, and thus the character and appearance of the area.
22. To protect the privacy of neighbouring occupiers, a condition is necessary to secure obscure glazed and non-opening windows above a certain height for the windows in the flank elevations of the second and third floors. To encourage the use of sustainable modes of travel, I have imposed a condition to secure cycle parking provision on the appeal site. So that the development has refuse and recycling storage provision ready for occupiers to use, I have imposed a condition to secure this.
23. To achieve an appropriate appearance and sustainability standards I have imposed a condition so that details of the photovoltaic panels and photovoltaic tiles are provided to show how the renewable energy carbon savings are to be achieved. For the same reasons, I have imposed conditions in respect of achieving carbon emission reductions over those sought by Building Regulations, to control water consumption, and to secure details of NO_x emissions from any gas boilers.

Conclusion

24. The proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it.
25. For the reasons given above, I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 01, 12 Rev C, 13 Rev C, 14 Rev C, 15 Rev C, 16 Rev C, 17 Rev C, 18 Rev C, 19 Rev C, 20 Rev C, 21 Rev C, 22 Rev C, 23 Rev C, 24 Rev C, 25 Rev C, and 26 Rev C.
- 3) Demolition or construction works shall take place only between 08:00 and 18:00 on Monday to Friday, between 08:00 and 13:00 on Saturdays and not at all on Sundays or on Bank or Public Holidays.

Pre-commencement

- 4) No development (excluding demolition) shall take place until full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) Prior to the commencement of the development (including any demolition) tree protection measures in line with Arboricultural Report dated September 2023 by DPA arboricultural consultants shall be installed and no works or materials/plant storage shall be undertaken within the protected area, unless otherwise agreed in writing with the local planning authority. The protection measures shall be retained until completion of the development.

Ground level

- 6) No development above ground level (excluding demolition) shall take place until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 7) No development shall commence above ground level (excluding demolition) until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. The scheme shall also include species of new planting/seeding and the depth of soil to the green roof. All planting, seeding, turfing, and green roofs included in the approved details shall be carried out prior to the occupation of any part of the development, or in accordance with a programme agreed in writing with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8) Prior to the commencement of above ground works (excluding demolition), details of the appearance, location, orientation, total area, and predicted carbon savings from the photovoltaic panels and photovoltaic tiles shall be submitted to and approved by the local planning authority to show how the renewable energy carbon savings are to be achieved. The photovoltaic panels shall be installed in accordance with the approved details prior to first occupation of the development hereby permitted and retained and maintained as such thereafter.

First occupation

- 9) The building hereby permitted shall not be occupied until the windows in the side elevations at second and third floor levels have been fitted with obscured glazing, and no part of those windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 10) Prior to the occupation of the development hereby permitted details of the positions, height, design, materials, and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as in accordance with the approved details before the building is occupied.
- 11) No dwelling shall be occupied until the cycle parking shown on the approved plan Ref: 26 Rev C shall be provided and be retained for cycle parking purposes for the users of the development and for no other purpose.
- 12) Prior to the first occupation of the development hereby permitted, the refuse and recycling storage shown on approved plan Ref: 25 Rev C shall be provided and shall be retained for the users of the development and for no other purpose.
- 13) The development hereby permitted shall achieve a minimum of a 35% reduction in CO2 emissions above the levels set in Building Regulations Part L 2021. Prior to first occupation of the development, evidence (e.g. photographs, copies of installation contracts and as-built worksheets prepared under SAP) shall be submitted to and approved in writing by the local planning authority, to demonstrate that the development has achieved at least a 35% reduction in CO2 emissions above the levels set in Building Regulations Part L 2021. The installed measures shall be retained in accordance with the approved details unless otherwise agreed by the local planning authority.
- 14) The development shall achieve a maximum water use of 110 litres per person per day for homes (including an allowance of five litres or less per person per day for external water consumption) in line with the Water Efficiency Calculator for new dwellings from the Department of Housing, Communities and Local Government. Prior to first occupation, evidence to demonstrate that that the internal water consumption of the development will not exceed 105l/p/day must be submitted to and approved in writing by the local planning authority. The approved measures shall be retained for the lifetime of the development.
- 15) Prior to installation, details of the appearance, location, orientation, total area, and predicted NOx emissions of the gas boilers shall be submitted to and approved by the local planning authority to show how the renewable energy carbon savings are to be achieved. The gas boiler shall be installed in accordance with the approved details prior to the occupation of the development and retained and maintained as such unless otherwise agreed by the local planning authority.

END OF SCHEDULE