



Appeal Decision

Site visit made on 13 November 2024

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2024

Appeal Ref: APP/H5960/W/24/3344986

Land West Of 1 Treville Street, LONDON, SW15 4JX

- 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 Cast LDN Ltd against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref is 2024/0916.
 - The application sought planning permission for Redevelopment of single-storey building and garage (Class C3) to provide a two-storey (basement and ground levels) 2-bedroom house (Class C3) with 1 x off street parking space and associated refuse and cycle storage without complying with a condition attached to planning permission Ref 2023/1179, dated 23 May 2023.
 - The condition in dispute is No. 2 which states that: The development shall be carried out in accordance with the reports, specifications and drawings detailed [03 0300, 03 0401, 03 0301, 03 0400, 03 0302, 03 0500, 03 0501, 03 0200, 03 0402, 03 0403, ENERGY & SUSTAINABILITY STATEMENT DATED: 21ST MARCH 2023, ECOLOGICAL IMPACT ASSESSMENT REV: PRI23931_EcIA].
 - The reason given for the condition is: To ensure a satisfactory standard of development and to allow the local planning authority to review any potential changes to the scheme.
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Decision

1. The appeal is allowed and planning permission is granted for redevelopment of single-storey building and garage (Class C3) to provide a two-storey (basement and ground levels) 2-bedroom house (Class C3) with 1 x off street parking space and associated refuse and cycle storage at Land West Of 1 Treville Street, LONDON, SW15 4JX in accordance with the application Ref 2024/0916, without compliance with condition number 2 previously imposed on planning permission Ref 2023/1179 dated 23 May 2023 and subject to the conditions in the attached schedule.

Background and Main Issue

2. In 2023 planning permission was granted, subject to a number of conditions, for redevelopment of a single-storey building and garage (Class C3) to provide a two-storey (basement and ground levels) 2-bedroom house (Class C3) with 1 x off street parking space and associated refuse and cycle storage. This included a condition specifying that the development should be carried out in accordance with a number of plans and reports. A number of amendments to the scheme have also since been approved.
3. The current proposal seeks to vary condition two by amending the approved plans to facilitate amendments to the approved scheme including the

materials, the fenestration and the roof design. However, the Council refused the application and consider the condition remains necessary, stating that the proposed amendments to the roof design of the approved building would cause harm to the character and appearance of the Roehampton Village Conservation Area (CA).

4. Consequently, the main issue is whether condition two is reasonable and necessary having regard to the effect of the proposal on the character and appearance of the area; including whether or not the proposed development would preserve or enhance the character or appearance of the Conservation Area.

Reasons

5. The site is known as Land West of 1 Treville Street and is located close to the junction of Roehampton High Street and Treville Street. The site sits to the rear of Nos. 1 and 2 (Spencer Cottage) Treville Street. At the time of my site visit the approved development appeared to have commenced.
6. The site is situated within, but on the edge of, the Roehampton Village Conservation Area (CA) and the Roehampton Archaeological Priority Area. The Roehampton Village Conservation Area Appraisal and Management Strategy (CAA) sets out that despite the changes of hundreds of years, Roehampton Village Conservation Area is still recognisable as a village that had its origins in the 17th century and states that the surroundings and edges of the CA reinforce the 'rural' feel. The CAA also states that in Treville Street there are larger more picturesque detached and semi-detached villas, mostly in stock brick, but with some rendered elevations and details.
7. The appeal proposal seeks to amend the previously approved design by altering the fenestration and materials and removing the brick wing and replacing it with the same proportioned wing but in timber. The height of a section of trellis which would front Roehampton High Street would also be reduced from around 2.8m to around 2.37m. The overall massing of the proposed dwelling would be slightly reduced from that which was previously approved.
8. The proposed trellis, though smaller, would nevertheless give the opportunity for a green screen which would lessen the impact of the proposed dwelling and ensure that it would assimilate well with its surroundings thus preserving the 'rural' feel which is key to the significance of the CA. The overall design and materials of the proposed dwelling would enhance the cohesion of the design.
9. The amended roof profile and additional rooflight would increase the visibility of the proposed dwelling when viewed from the street. However, this would not be to such an extent so as to cause the proposed dwelling to reduce the sense of openness or space and would not result in undue harm to the character and appearance of the area. The proposed roof line would not appear overly large or incongruous within its garden setting.
10. In my view, though the proposed amendments to the scheme would result in the proposed dwelling appearing somewhat more perceptible within the street scene I consider that it would, nevertheless, appear as a reasonably sized structure which would not appear unduly prominent.

11. For these reasons I consider that the proposal would not cause harm to the character and appearance of the area and would preserve or enhance the character or appearance of the CA. Consequently, the proposal would accord with the aims of Policy LP1 and Policy LP2 of the Wandsworth Local Plan 2023 – 2038, adopted July 2023 (LP). Amongst other things these policies seek to ensure that development would ensure a high level of physical integration with their surroundings and consideration of broader placemaking and ensure that the scale, massing and appearance of the development provide a high-quality, sustainable design and layout that enhance and relate positively to the prevailing local character.
12. The proposal would also comply with LP Policy LP3 which relates specifically to the historic environment and states that development proposals will be supported where they sustain, preserve and, wherever possible, enhance the significance, appearance, character, function and setting of any heritage asset.
13. The aims of Policy HC1 of the London Plan 2021 would also be met. This policy sets out that development proposals affecting heritage assets, and their settings, should be sympathetic to, and conserve, the assets' significance and appreciation within their surroundings.
14. The development would also meet the expectations of The National Planning Policy Framework (the Framework) which promotes high standards of design and states that developments should be visually attractive and sympathetic to the character of the area.

Conditions

15. The Planning Practice Guidance states that, to assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. In this case I have limited information before me about the status of the other conditions imposed on the original planning permission. I shall therefore impose all those that remain relevant.
16. Alongside the standard time limit condition, I have imposed a condition specifying the relevant plans as this provides certainty. Due to the sensitive location of the development I have included a condition requiring details of the external materials to be used to be approved by the Council. For the same reasons I have imposed conditions restricting permitted development rights, preventing the erection of structures to the roof of the development and requiring details of tree protection and landscaping.
17. I have also added a condition in respect of water efficiency to ensure that the development makes efficient use of water and to comply with Policy LP1, LP2 and LP10 of the LP and the requirements of the Framework.
18. To ensure that the development is sustainable I have also required the development to achieve a minimum carbon reduction of 19%. I note that, in respect of this appeal, the Council suggested a reduction of 35%. However, in order to ensure that the conditions imposed as part of this appeal are not more onerous than those previously applied I have imposed the condition as per the original planning permission granted.
19. In order to ensure the provision of satisfactory facilities for the storage of waste and cycle parking I have added a condition in this respect. I have

included a condition requiring a Construction Environmental Management Plan with the aims of protecting amenity, biodiversity and highway safety.

20. To safeguard the privacy of the occupiers of neighbouring properties I have included a condition stating that the roof shall not be used as a balcony, roof garden or similar amenity area and preventing the construction of any means of enclosure.

Conclusion

21. For the reasons set out above, and having regard to all other matters raised, I allow the appeal.

L J O'Brien

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the 23 May 2023.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 672-P12 front material change comparison, 672-P10 proposed elevations, 672-P09 proposed floor plans, 672-P01 proposed site location and block plan, 672-P11 proposed section, 672-P08 proposed site plan, 672-P13 rear material change comparison.
- 3) Prior to commencement of above ground works details and samples of materials proposed to be used on all external surfaces of the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials and thereafter so retained.
- 4) The development shall achieve a maximum water use of 105 litres per person per day (plus 5 litres for outside use) in line with the Water Efficiency Calculator for new dwellings from the Department of Communities and Local Government, and the submitted ENERGY & SUSTAINABILITY STATEMENT DATED: 21ST MARCH 2023. Prior to first occupation, evidence to demonstrate that the internal water consumption of the development will not exceed 105l/p/day must be submitted to the local planning authority and approved in writing. Unless otherwise agreed in writing by the local planning authority measures integrated and outlined in the submitted statement shall be retained for the lifetime of the development.
- 5) The development hereby approved shall achieve a minimum of a 19% reduction in CO2 emissions below the maximum threshold set in Building Regulations Part L 2013, in accordance with the submitted ENERGY & SUSTAINABILITY STATEMENT DATED: 21ST MARCH 2023. The installed measures as outlined in the submitted statement shall be retained throughout the lifetime of the development unless otherwise agreed by the local planning authority.
- 6) Prior to the first occupation of the development, the refuse and recycling storage shown on approved drawings shall be provided and shall be retained for the users of the development and for no other purpose.
- 7) Prior to commencement of above ground works (excluding demolition), details of the location, number and design of secure and covered cycle parking shall be submitted to and approved in writing by the local planning authority. The cycle parking shall be provided in accordance with the approved details prior to the occupation of the development and be retained for cycle parking purposes for the users of the development and for no other purpose.
- 8) No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and been approved in writing by the local planning authority. The CEMP shall include measures to mitigate the construction effects and shall include the following details (although not limited to):
 1. If works are to happen during the nesting season (Feb - Sept), details of timing of works and the named ecological clerk of works who will undertake a site walkover at least 48 hours prior to commencement to assess for evidence

of use of the site (including buildings) by any nesting birds. In the event that a nest is found, an appropriate exclusion zone should be implemented around it until the young have fully fledged.

2. Details of measures to prevent mammal, amphibian or reptile entrapment or harm on site.

3. A construction lighting plan outlining how lighting will be prevented from negatively impacting any protected and priority species during construction, in particular commuting bats, as well as the wider Roehampton Golf Club SINC. This construction lighting plan must follow best practice industry guidance produced by the Bat Conservation Trust and Institute of Lighting Professionals.

The development shall not be undertaken otherwise than in accordance with the CEMP approved in writing by the Local Planning Authority.

9) Prior to commencement of the above ground works; a landscaping/ecological enhancement scheme, to include landscaping and treatment of parts of the site not covered by buildings, shall be submitted to and approved in writing by the local planning authority. These details shall include:

- soft landscaping including the species and height of tree planting and root volumes, shrubs, hanging/climbing plants and the green roof
- all hard landscaped surfaces and boundary treatment
- target species and specifications for at least 2x bird boxes/ bricks to be integrated with the new building
- details of any external lighting

The 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.

10) No water tanks, plant, lift rooms or other structures shall be erected upon the roof of the approved building.

11) The roof area of the development hereby permitted shall not be used as a balcony, roof garden or similar amenity area and furthermore, no balustrades, railings or other means of enclosure or means of permanent access shall be erected on this area.

12) Prior to the commencement of the development Tree Protection measures in line with BS5837:2012 as outlined in the submitted Arboricultural Assessment dated: March 2022 shall be installed and no works or materials/plant storage shall be undertaken within the protected area, unless otherwise agreed in writing. The protection measures shall be retained until completion of the development.

13) Notwithstanding the provisions of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, amending or re-enacting that Order) no building, enclosure, swimming pool or other pool, or container shall at any future time be erected or constructed to the dwelling[s] hereby approved without the prior

permission of the local planning authority.