
Appeal Decision

Site visit made on 23 October 2024

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 January 2025

Appeal Ref: APP/H5960/W/23/3330273

Land to the rear of 41 Beechcroft Road, London SW17 7BZ

- 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 Ms Kesha Amin against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref is 2023/2220.
 - The development proposed is demolition of the existing garage/store building located to the rear and the erection of 1-bedroom single storey dwelling house (with basement).
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing garage/store building located to the rear and the erection of 1-bedroom single storey dwelling house (with basement) at land to the rear of 41 Beechcroft Road, London SW17 7BZ, in accordance with the terms of the application Ref 2023/2200 and subject to the schedule of conditions attached to this Decision.

Preliminary Matters

2. Subsequent to the refusal of the application, which is the subject of this appeal, the appellant submitted a further application for a dwelling on part of the appeal site. This application was also refused and is the subject of an appeal Ref: APP/H5960/W/23/3341358, which I have dealt with under a separate Decision.
3. The Government published a revised National Planning Policy Framework ('the Framework') on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

4. The main issues are: i) Whether the appeal site is appropriate for housing, and ii) The effect of the proposal on the character and appearance of the area.

Reasons

Appropriate for housing

5. The overarching aim of Policy LP7 of the Wandsworth Local Plan (2023) ('LP') is to support housing on small sites with good public transport availability.
6. The appeal site incorporates a single storey, store/garage building and land associated with this, located to the rear of and in the same ownership as 41

Beechcroft Road ('No. 41'). Physically, this garage is separated from the rear garden of No. 41 by a boundary wall. The appellant has also advised that the store/garage building has not been used in association with No.41 since 2008.

7. The appeal site measures less than 0.25 hectares and is located within an area with a Public Transport Accessibility Level of 4 and within 800m of a Tube Station. Therefore, redevelopment of the part of the site which is occupied by the store/garage building, would support the use of a vacant and underused brownfield site, in compliance with parts of Policy LP7 of the LP.
8. A section of the rear garden of No. 41 also forms part of the appeal site. Policy LP7 of the LP says that: Proposals for additional housing on private residential gardens will not normally be permitted due to the need to maintain local character, amenity space and biodiversity.
9. Because the above wording of Policy LP7 of the LP includes 'not normally' this suggest some flexibility and does not imply a total prohibition on the redevelopment of private residential gardens. In this case, the extant garden of No 41, required to facilitate the proposal would largely be used as amenity space for the proposed dwelling and there is nothing to suggest that this arrangement would not maintain biodiversity. Given my findings in respect of the second main issue, the proposal would maintain local character.
10. Therefore, despite part of the appeal site being in use as residential garden, the proposal would also make use of a small and mainly underused brownfield site in a residential area with good public transport availability to provide an additional dwelling. As such, the appeal site is appropriate for housing and this accords with the overarching aim of Policy LP7 of the LP.

Character and appearance

11. Whilst the extant store/garage building may have had an historic use associated with No. 41, due to its physical separation from this property and its principal elevation facing Glenburnie Road, this appears as a standalone building which forms part of the street scene along Glenburnie Road.
12. Glenburnie Road is mainly residential in character and incorporates dwellings in a range of styles and scales. This includes properties with similar designs arranged as terraces along this road to the east of Beechcroft Road. Near the appeal site there are detached, semi-detached and more individually designed dwellings. Also, the arrangement of dwellings, relative to the road is varied. These dwellings also incorporate amenity spaces in a range of sizes. Boundary treatments along frontages are also a feature within parts of the street scene. This variation in the street scene contributes to the distinctiveness of the character and appearance of this area.
13. Whilst No. 41 benefits from a generous rear garden of about 132sqm, even when this is reduced to facilitate the proposal, the retained rear garden for No. 41 would be sufficient to meet the requirements of this dwelling while retaining its linear layout.
14. The amenity space for the proposed dwelling would be located to the side of the new dwelling, whereas the prevailing pattern of development is that the main amenity areas are located to the rear of dwellings. Even so, there is a property

along Glenburnie Road which incorporates an amenity area to the side. Irrespective, the proposed arrangement of amenity space would largely be imperceptible from the wider area.

15. The proposal would result in a near doubling of scale, relative to the extant store/garage building. However, this increase is largely due to the creation of a basement. Because of this arrangement, above ground level, the proposed dwelling would retain a similar layout, height and roof form as the building this replaces.
16. For the above reasons, I am unpersuaded that the new building and its associated garden would undermine the rear garden setting of No. 41 or any other nearby dwelling.
17. The frontage of the proposed dwelling would be largely enclosed by a boundary treatment of a similar height to the side boundary associated with No. 41.
18. Therefore, whilst the proposal would bring some change, having regard to the appeal site and its context, the proposed scheme has been designed to assimilate with the street scene and would complement the varied local character of this part of Glenburnie Road.
19. Accordingly, I find no conflict with Policy LP1 of the LP, which requires that development proposals reflect and demonstrate that the principles in this Policy have been applied having had regard to their relevance within the context of the scale and nature of the development proposed. I also find no conflict with the aims of Policy LP7 of the LP which subject to certain criteria supports residential development on small sites.

Other Matters

20. I have taken account of the dismissed appeal for a new dwelling at 1 Gateside Road. The scheme before me is designed to replicate the scale and roof form of the existing store/garage building and is not comparable to the two-storey above ground development proposed at Gateside Road. Therefore, I attach limited weight to this dismissed appeal.
21. The Council's appeal statement refers to Policy H1 of the London Plan (2021). This Policy did not form part of the Council's reason for refusal. Moreover, the full details of this Policy are not before me. As such, I am unable to consider this further.
22. In addition to some of the matters addressed above, third parties have raised a number of other issues, including the effects of the proposal on the highway and the living conditions of neighbours. These were addressed in the Council's Officer Report and did not form part of its reason for refusal. I am satisfied that because of its siting and scale, the proposed dwelling would not have any adverse impact on the living conditions of neighbours. Concerns about construction activity would be dealt with by the requirement for a Construction Management Plan.
23. Because the existing store/garage building has not been used in association with No. 41 for some time, it is unlikely that its loss, along with the creation of a new single bedroom dwelling, would unacceptably exacerbate parking demand in the area to the detriment of other highways users and safety.
24. There is also no substantive evidence that the redevelopment of the appeal site would impede fire engine access to a neighbouring property.

Conditions

25. I have had regard to the conditions put forward by the Council considering the requirements of the Planning Practice Guidance and the Framework. In addition to the standard timescale condition for the implementation of the planning permission, I have imposed a condition specifying the approved drawings and document in the interests of certainty.
26. To ensure a high-quality development and to safeguard the character and appearance of the area, I have imposed conditions requiring details of all external finishes, materials, surfaces and boundary treatments. A condition requiring details of finished floor levels is necessary to safeguard the character and appearance of the area and living conditions of neighbours.
27. I have specified a condition requiring a landscaping scheme and its implementation. This is necessary to ensure that the proposed scheme provides sufficient amenity space and that the landscaping associated with this enhances the quality of the development. Also, to ensure the satisfactory appearance and functioning of the development, a condition requiring details of the refuse and recycling storage facilities to serve the development is necessary.
28. It is reasonable to impose conditions to secure a proportion of energy sources from renewable and/or low carbon measures and water efficiency to promote sustainable forms of development.
29. Because the appeal site is close to the highway and other dwellings and will require excavation works, a Construction Management Plan is necessary in the interests of highway safety and to safeguard the living conditions of neighbours.
30. Also, because the appeal site is constrained due to its proximity to the road and neighbouring properties, it is justified to remove permitted development rights for extensions, additions or enlargements to the dwelling hereby permitted.
31. Notwithstanding the appellant's request, the details required under conditions 4, 6 and 10 are fundamental to the quality of the development and therefore, these need to be secured, prior to commencement of above ground works (excluding demolition).
32. Condition 3 which prevents any development approved from commencing until this has been complied with, is considered fundamental to the development hereby approved. It is necessary for this to take the form of a 'pre-commencement' condition to have its intended effect. Where necessary and in the interests of clarity, flexibility and precision, I have altered the conditions to better reflect the relevant guidance.

Conclusion

33. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun within 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings and document: Site Location plan: EX-B41NH-03; Proposed plans and elevations: PR-B41NH-01; CGI's: PR-B41NH-02 and Fire Statement Form (Land to the rear of 41 Beechcroft Road).
- 3) No development shall take place, including any demolition, until a Construction Management Plan has been submitted to and approved by the local planning authority. Thereafter the demolition and construction works shall be carried out in accordance with the approved Construction Management Plan.
- 4) Prior to commencement of above ground works (excluding demolition), 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.
- 5) Prior to foundation works commencing, full details of existing and proposed site levels shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) Prior to commencement of the above groundworks (excluding demolition), details of the height, design and material(s) of the proposed boundary treatments shall be submitted to and approved in writing by the local planning authority. The boundary treatments shall be carried out in accordance with the approved details and completed prior to the first occupation of the development or otherwise in accordance with a timetable agreed in writing with the local planning authority.
- 7) Prior to the commencement of above ground works (excluding demolition), details of the siting, design and materials of refuse and recycling storage to serve the development shall be submitted to and approved in writing by the local planning authority. The refuse and recycling storage facilities shall be provided in accordance with the approved details prior to the first occupation of the development and shall be retained thereafter.
- 8) The development hereby approved 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 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.
- 9) The development shall achieve a maximum water use of 105 litres per person per day (l/p/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. 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. The approved measures shall be retained for the lifetime of the development.

- 10) Prior to commencement of the above groundworks, details of landscaping and treatment of parts of the site not covered by the building, to include the hard landscaping materials, species of new planting/seeding, and any existing plants/trees to be retained, shall be submitted to and approved in writing by the local planning authority. All planting, seeding, and turfing included in the approved details shall be carried out prior to the first occupation of the development, or in accordance with a programme agreed in writing with the local planning authority.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, amending or re-enacting that Order) no extensions, additions or enlargements shall at any future time be erected or constructed to the dwelling hereby permitted without the prior permission of the local planning authority.