



Appeal Decision

Site visit made on 25 April 2025

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 May 2025

Appeal Ref: APP/H5960/W/24/3357778

Trinity Court Nursing Home, 165-167 Trinity Road, Wandsworth, London SW17 7HL

- 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 Shehzad Jivraj of Newlease Limited against the decision of the Council of the London Borough of Wandsworth.
 - The application reference is 2024/0274.
 - The development proposed is the erection of a new single storey rear extension comprising of 6 new dementia care bedrooms. Associated hard and soft landscaping around works to the rear.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Interested parties raise concern that there are inaccuracies, discrepancies and inconsistencies in the material that supports the proposal. I have taken these concerns into account in my assessment of the appeal scheme, which is based on all the evidence and an inspection of the site and its surroundings. On that basis, I am satisfied that the details of the proposal as shown on the plans and detailed in the written evidence allow a reasonable assessment of the development sought.

Main Issues

3. The main issues are the effect of the proposed development firstly, on the character and appearance of the local area; secondly, on trees; and thirdly, on the living conditions of the occupiers of 67, 69, 71 and 73 Hendham Road with regard to outlook, visual impact and sense of enclosure.

Reasons

Character and appearance

4. The site lies within the Wandsworth Common Conservation Area (CA), which is characterised in part by attractive terrace and semi-detached buildings of traditional style that typically occupy generous plots often with spacious landscaped rear gardens. These features positively contribute to the significance of the CA as a designated heritage asset. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
5. The proposal is to introduce a single storey extension within the rear garden of Trinity Court Nursing Home (TCNH) to provide 6 bedrooms and a lounge and

dining area for people with dementia. In doing so, a substantial new built form with a sizeable footprint would be placed into generally undeveloped garden space that, at present, positively contributes to the verdant, spacious feel at the rear of TCNH. This pleasant, secluded garden space, with its open grassed areas, established vegetation, and trees within and just beyond the site, makes an important contribution to the local area. It does so by providing a clear visual break; by softening the appearance of surrounding buildings; and by adding to the sylvan character of this part of the CA. While the garden is at the back of the main building and is not visible in the local street scene, it nonetheless encompasses the characteristics of the CA as it is experienced and appreciated from TCNH and other buildings and gardens that back onto or are alongside the site.

6. Having carefully viewed the site, I am in little doubt that the proposed built form would appear as a visually disruptive, overly dominant and an uncharacteristic intrusion into generally open garden space. By significantly eroding the spacious feel and verdant qualities of the site, the proposal would undermine some of the distinctive characteristics of the CA. As a result, the significance of this designated heritage asset would be diminished, to its detriment.
7. On the first main issue, I therefore conclude that the proposed development would cause significant harm the character and appearance of the local area. It would fail to preserve the character and appearance of the CA. Accordingly, the proposal conflicts with Policies LP1 and LP3 of the Wandsworth Local Plan 2023-2038 (LP). These policies support high-quality, well-designed development that preserves or enhances the character and appearance of any heritage asset. It is also at odds with the National Planning Policy Framework 2024 (the Framework), which states that development should, amongst other things, be sympathetic to local character, add to the overall quality of the local area and safeguard heritage assets.
8. Given the modest scale of the proposal relative to the size of the CA, the harm caused would be less than substantial. In those circumstances, the Framework 2024 states that such harm should be weighed against the public benefits. In this case, the proposal would provide accommodation for people with dementia, for which the appellant states there is an acute need. Reference is also made to the terms of the Care Act 2014 and the Council's responsibility to ensure a choice and range of accommodation for those requiring care. The provision of specialist housing including care homes is also supported in policy terms. While these public benefits weigh in support the proposal, they do not outweigh the identified harm.

Trees

9. A Hybrid Black Poplar tree is situated just beyond the site and is protected under a Tree Preservation Order (TPO). TPOs offer a mechanism for providing legal protection to trees of significant amenity value, particularly where they are under threat. This tree is denoted No 14 and is graded B in the appellant's Tree Schedule (TS). As an attractive specimen and a substantial and prominent feature at the back of TCNH, the Hybrid Black Poplar makes a significant and positive contribution to the visual amenity and verdant character of the local area. It also has heritage value as part of commemorative planting from the wartime period.
10. While the Hybrid Black Poplar is outside the site, the appellant's Tree Protection Plan (TPP) shows that part of the proposed extension and a new fire escape path would be within its root protection area (RPA) and close to the canopy. The RPA is

regarded as the minimum area around a tree that contains sufficient roots and rooting volume to maintain the tree's viability. It is an area where the protection of the roots and soil structure is to be treated as a priority. The appellant's evidence sets out the specific measures intended to protect this and other retained trees and details are shown on the TPP. With appropriate measures in place and secured by condition, it seems to me the Hybrid Black Poplar and other retained trees could be adequately protected during the construction phase of the development.

11. The canopy of the Hybrid Black Poplar would, however, be close to the windows of several bedrooms and the lounge within the new extension. It would also overhang the new fire escape path, as would be a grouping of trees along the rearmost section of the garden, which are denoted Nos 7, 9, 10 and 11 in the TS.
12. Regular pruning of the Hybrid Black Poplar is recommended in any event as part of the tree's maintenance regime. However, by introducing a new building and related activity, as proposed, it is possible that further pruning works would be sought. This might arise to safeguard the quality of outlook from some rooms within the new extension. As there is evidence of the tree's decline and previous branch failures, pressure may also result from the perceived risks to the safety for users of the building and the new fire escape path.
13. Accordingly, over time there is an increased risk that the health and longevity of the Hybrid Black Poplar would be diminished and its important contribution to the local area reduced if the development were to proceed. To my mind, the evidence points to an uneasy relationship between the Hybrid Black Poplar and the appeal scheme. While this tree is mature and shows signs of decline, the evidence indicates that it still has up to about 25 years of life left. The appeal scheme has the potential to reduce the positive contribution made by the tree to the visual amenity of the local area over its remaining lifespan.
14. A further five trees within the site are to be retained and recommended to be pruned where necessary (T7-T11 inclusive). Although not protected, these trees form a cluster along one side of the site and their interconnecting canopies accentuate the grouping. These trees similarly add to the verdant qualities of the site. Most of these trees would be close to the new extension. Despite some pruning to accommodate the proposal, the pressure for further works to cut back or even remove some of these specimens cannot be ruled out given their position near to the development. It is not certain this would come to pass but the possibility that it might add to my concerns on this issue.
15. On the second main issue, I conclude that the proposal would pose a significant risk to the health and longevity of some of the trees to be retained. As such, the appeal scheme conflicts with LP Policy LP3 and LP56, which seek to ensure that development protects trees and landscaping that have townscape or amenity value.

Living conditions

16. The new addition would include a lengthy wall up to and alongside the rear boundaries of several properties that address Hendham Road that back onto one side of the site. Of these nearby properties, it is the occupiers of Nos 67, 69, 71 and 73 that would be closest to the proposal and so most likely to be affected.
17. From these neighbouring properties, the upper wall and flat roof of the proposal would be evident at reasonably close range, as several interested parties point out.

When seen from these vantage points, existing planting would partly screen the new development to some extent, as would the existing boundary walls. Nevertheless, the appeal scheme would introduce a substantial increase in built form just beyond the rears of these properties. Given the considerable length, height and position of the new extension, there would be an over dominant impact on outlook, overbearing aspect and an unacceptable sense of enclosure for the occupiers of Nos 67, 69, 71 and 73. As such, it would unacceptably harm the neighbours' enjoyment of their property, especially their rear garden.

18. On the third main issue, I therefore conclude that the living conditions of the occupiers of Nos 67, 69, 71 and 73 would be materially reduced. As such, there is a conflict with LP Policy LP2 insofar as it aims to safeguard residential amenity.

Other matters

19. The development sought has been refined following a proposal to extend TCNH that was refused planning permission on application in 2023. A different scheme to extend TCNH was also dismissed at appeal in 2019. For the reasons given, the proposal before me, which has been assessed on its own merits, does not overcome previous concerns in relation to the first main issue.
20. The proposal also follows the Council's decision to grant planning permission in September 2018 for a different scheme to enlarge TCNH that has time expired. From the information provided, the approved scheme differed in design, scale, position compared to the proposal. The Council's decision in that case also predated the adoption of the LP and the issue of the Framework 2024 and so it was considered in a different policy context. Given these differences, I attach limited weight to the 2018 decision in support of the appeal.
21. Various energy efficient measures would be incorporated into the development to promote sustainability. The proposal has attracted some support. However, these considerations do not outweigh the harm that I have identified.
22. Interested parties raise several additional objections including over development, privacy, light, vehicle parking, drainage, loss of garden space for residents of TCNH and potential noise, dust and disturbance. These are important matters, and I have considered all the submitted evidence. However, given my finding on the main issues, these considerations have not been critical to my decision.

Conclusion

23. The proposed development would meet an acute need to provide accommodation to provide care for people with dementia. However, the appeal scheme would conflict with the development plan, when read as a whole. There are no material considerations, including those of the Framework 2024, which indicate that the decision should be taken otherwise than in accordance with the development plan.
24. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR