
Appeal Decision

Site visit made on 20 June 2025

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

Appeal Ref: APP/H5960/W/25/3363172

Garages west of 79 Mayford Road, London SW12 8SH

- 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 Matthew Tilbrook on behalf of Evolution Estate Development Ltd against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref is 2024/2456.
 - The development proposed is the demolition of existing garages and the erection of a part single-storey, part two-storey building, in connection with providing 1 x 3-bed and 2 x 2-bed dwellings, along with associated landscaping, refuse and cycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development differs between the application form and the Council's decision notice. As the content of the proposal was amended during the application process, I have used the Council's description of development as it more accurately describes the extent of development that the decision was made upon.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of occupiers of neighbouring properties at 52, 60 and 62 Calbourne Road with regards to outlook.

Reasons

4. The appeal site encompasses a plot of land which slopes from its highest level at its western end to its lowest level at its eastern end, and houses 17 flat-roofed, lock-up garages together with their parking apron. The garages are located to the southern and western sides of the plot, the parking apron occupying most of the rest of the site, except a small area of rough ground to the rear of the garages at the western end. The plot takes its vehicular access from Mayford Place through gates within a secure fence.
5. The site is located between the rear gardens behind two rows of terraced houses, 29 to 45 Airedale Road to one side, and 52 to 70 Calbourne Road to the other. A high masonry wall forms the rear of the range of garages abutting the properties on Calbourne Road, forming the common boundary, whilst there are brick walls with higher timber fences behind which form the boundary of the site with the rear of the properties on Airedale Road.

6. The proposal would replace the garages with three residential properties, the majority of which would be single storey, their ground floor roofs sitting either level with or below the common boundary wall with the Calbourne Road properties. However, two of the proposed dwellings would have a flat-roofed first-floor element of accommodation, housing bedroom and en-suite facilities, which are referred to by the Council as 'pop-ups'.
7. One 'pop-up' would be part of the property at the western end of the site, located between the properties at 35 and 37 Airedale Road and 60 and 62 Calbourne Road. The other, larger 'pop-up' would serve the property at the eastern end of the site and would be located between the properties at 45 Airedale Road and 52 and 54 Calbourne Road. Most of the mass of the first floor 'pop-ups' would sit above the level of the top of the boundary wall with the properties on Calbourne Road, but which the appellant states are set-back 3.8m from this shared boundary.
8. The appellant has submitted within their appeal statement, visualisations of the existing and proposed views from 52, 60 and 62 Calbourne Road. Some doubt has been raised as to the accuracy of these images. However, based on my observations from my visits to 54 and 62 Calbourne Road, and from examination of the application drawings, they are a reasonably accurate representation.
9. Having reviewed the potential effect of the 'pop-up' to the rear of 60 and 62 Calbourne Road, I can see that it would not be a continuous mass along the rear boundary of these properties. However, noting the relative levels between these properties and the appeal site, the significant height and massing of the appeal proposal, its alignment and proximity to the rear of these properties, the 'pop-up' would appear as a dominant form of development within the outlook from these properties. In particular, from the closest ground floor level accommodation and the gardens which are of limited depth, the proposal would appear significantly overbearing and would result in a strong sense of enclosure to their occupants, which would detrimentally affect their living conditions.
10. Turning to the potential effect of the 'pop-up' to the rear of 52 Calbourne Road (No.52), this 'pop-up' is longer than that to the rear of No.60 and 62. It would form a continuous mass along and above the rear boundary wall of No.52, and its height would be taller in relation to the existing rear boundary wall at No.52, therefore introducing a greater relative mass above this boundary wall. Noting the relative levels between No.52 and the appeal site, the significant height and massing of the appeal proposal, and its alignment and proximity to the rear elevation of No.52, particularly at ground floor level, the 'pop-up' would introduce a particularly dominant and overbearing development within the outlook from No.52. It would create a significant sense of enclosure to its occupants, when viewed from the rear habitable room and garden areas, harmfully affecting their living conditions.
11. The appellant has referred me to five cases of infill development¹ (Appendix D to H) previously approved by the Council, which are suggested to be like the appeal scheme to provide justification for the proposal. The Council's view is that these examples are materially different to the appeal proposal, and that they were also all determined under a previous policy regime.

¹ No.1 Camborne Mews (2022/4572), No.88 Longley Road (2021/2344), Land to the rear of 63A Westcote Road (2015/1913), Land to the rear of 21 Granard Avenue (2018/3122) and Land to rear of 43 Southfield Road (2023/0295).

12. It is clear that, owing to differences in separation distances, levels and orientation differences between properties, and the variation in the architectural language and approaches employed, the examples are materially different to the appeal proposal which must be considered on its own merits and effects. Given their differing attributes, merits and impact, the approval of those schemes does not provide sufficient precedent that would justify allowing the appeal scheme.
13. Therefore, for the above reasons, the appeal proposal would result in significantly adverse effects upon the outlook of occupants of neighbouring properties at 52, 60 and 62 Calbourne Road, harmfully affecting their living conditions. The proposal would therefore be contrary to policy LP2 Part B.3 of the Wandsworth Local Plan (2023), which requires, amongst other things, development not to adversely impact the amenity of neighbouring properties.

Planning Balance

14. The appellant states that the proposal would provide three high-quality dwellings for occupation by families on a small under-used brownfield site in a sustainable location. They also highlight the proposal as being compliant with the BRE daylight and sunlight guidance, and to provide a BNG of 145.74% on the site, together with generating local employment and economic activity during the construction phase, as supported by policies within the National Planning Policy Framework (the Framework). Together, these benefits would provide moderate support for the appeal proposal.
15. However, the Framework also requires development to function well and add to the overall quality of an area not just for the short term but for the lifetime of the development. It requires development to be sympathetic to local character including the surrounding built environment, and to create places which promote a high standard of amenity for existing and future users. Therefore, as I have found that the proposal would significantly harm the living conditions of existing occupants of neighbouring properties, which would be permanent, this harm would significantly outweigh the moderate benefits the proposal would provide.

Conclusion

16. For the reasons set out above, I conclude that the appeal proposal would be contrary to the development plan read as a whole, and that there are no material considerations, including policies in the Framework, that would justify determining other than in accordance with it. Therefore, the appeal should be dismissed.

D R Kay

INSPECTOR