



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: 29 July 2025

Appeal Ref: APP/H5960/W/25/3364541

Flat First and Second Floor B, 26 Dempster Road, Wandsworth, London SW18 1AT

- 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 Joe Cerdan against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref is 2025/0073.
The development proposed is terrace proposed for Flat B.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is situated within the East Hill sub-area of the Wandsworth Town Conservation Area (CA). I have therefore paid special attention to the statutory requirements placed upon decision-makers by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act) to preserve or enhance the character or appearance of conservation areas.
3. There are discrepancies in the location of the red line boundary between the Site Location Plan and the Site Plan, the former placing a red line boundary around the property at 34 Dempster Road. As this is clearly an error, I have regarded the red line boundary to be as indicated on the Site Plan which correctly references the appeal site at 26 Dempster Road.
4. There are also inconsistencies between the drawings supplied with the appeal and the application form. The Proposed Elevations and Proposed Section A-A drawings illustrate the balustrade to be formed from some form of vertical railing system with a horizontal handrail to the top, though no material is identified on the drawing. The application form suggests a glass balustrade, but this is at odds with the drawings. I have therefore assessed the proposed development on the basis of both vertical railings and a glass balustrade.
5. As designed, I am concerned that the head of the access door to the proposed terrace is illustrated as being significantly higher than the eaves level of the roof of the main portion of the property. It is evident that an enclosure to the sides of the new door and a roof will be required to facilitate this, but no such enclosure is shown on the drawings. Furthermore, the access door would be likely to terminate above the proposed terrace level. Notwithstanding these potential drafting issues, I have assessed the proposed development based on the Proposed Section A-A.

Main Issues

6. The main issues are the effect of the proposal on the character and appearance of the Wandsworth Town Conservation Area (CA), and the living conditions of occupiers of neighbouring properties with particular regard to privacy.

Reasons

Character and Appearance

7. Located within the CA, the appeal site consists of a first and second floor flat located at 26 Dempster Road (No.26), a semi-detached three-storey Victorian property previously converted to individual apartments.
8. No.26, which is located on the eastern side of the road, is constructed from London Stock/Gault bricks under a pitched roof finished in red profiled concrete/ clay tiles. On its principal street elevation, the property has a projecting single storey square fronted carved stone bay window to ground floor level, with feature double sash windows to the first floor above, unified under a moulded stone over-lintel and separated by a carved stone mullion between. A brick gabled roof dormer window, incorporating a steeply pitched roof, and with feature profiled fascia boards and finial detail provides light and ventilation to the second-floor accommodation.
9. The CA is large, covering the historic centre of Wandsworth Town, the oldest and most important settlement in the borough, and with seven sub-areas. The appeal site is within the East Hill sub-area, forming the eastern gateway to the CA. The East Hill sub-area is made up of historic residential areas serving the industrial and commercial heart of the town, defining the significance of the CA in this area.
10. The character of the CA in Dempster Road is derived from the architectural language employed in the principal street facing elevations of the properties. The houses follow a consistent pattern of development in terms of height to eaves level, the presence of gabled dormers serving the further storey of accommodation in their roof spaces, bay windows at ground level and a consistency of materials. However, there is subtle variation in the detail between properties on the east and west sides of the road. In contrast to the form of development to the east side, typified by the appeal property, properties to the west side are constructed in runs of four terraced dwellings, have half hexagon bays and pitched roof porch canopies supported on detailed timber gallows brackets.
11. Whilst the properties on both sides of the road were constructed from consistent materials, in the intervening years some properties have had their brickwork primary elevations painted. This has resulted in some change to the character of the area, but the consistency in the retention of the detail, scale and regularity of the architecture overcomes this. The character of the CA in this road is completed by small forecourt gardens and gated boundary walls defining the residential curtilages, the highway being interspersed with mature trees giving the character and appearance of a well-established historic sub-urban residential neighbourhood. Despite the variations, the overall character of Dempster Road is harmonious and contributes positively to the character of the CA.
12. The rear of the properties and their gardens are also within the CA, but the elevations have less elaborate levels of detail, though there is a consistency in the pattern of development with two-storey rear outriggers present, but which have

lower floor to ceiling heights which make them subservient. There has been an extent of prior development both to the appeal property and adjacent properties to both sides of it along the road, though mainly at ground level, the majority of this not being visible from the public realm.

13. The pattern of development in the area with parallel roads of similar properties, intersected by perpendicular crossing roads means that rear elevations of properties, whilst not being of such high architectural quality as their principal elevations, are highly visible within the CA and therefore contribute greatly to the character of the CA. This is particularly relevant where, as is the case with the appeal proposal, development to the rear of the property would be clearly visible from one of the crossing roads, Fullerton Road. I therefore find that whilst the rear elevations of the properties have lower levels of detail, they do have architectural cohesion, and therefore contribute to the character and significance of the CA.
14. The proposal would remove a portion of the pitched roof of the rear outrigger at the appeal property, introducing a flat roof terrace set partially behind the remaining section of pitched roof and with a 1.1m high balustrade to the open side. The resulting terrace is proposed to be accessed by a new door located in the rear elevation of the main portion of the property, adjacent to the existing dormer window.
15. The new terrace and access door would be highly visible from the public realm on Fullerton Road. I find that the removal of a section of the pitched roof from the rear outrigger, the introduction of either railings or a glass balustrade, together with a new door and roof immediately adjacent to the existing roof dormer, would be an incongruous form of development which would fail to preserve or enhance the character or appearance of the CA and would therefore harm its significance.
16. The appellant has submitted evidence of similar development at 17b Birdhurst Road (No.17b). Having viewed that development at my site visit, I find that the appeal proposal differs in the height and type of balustrade materials proposed, and that the location of development on No.17b, on the roof slope facing away from the public highway, results in significant screening of the development from the public realm by the remaining portions of the roof of the rear outrigger. This would not be the case with the appeal proposal, which would be on the roof slope facing Fullerton Road, and would therefore be highly visible from the public realm. I therefore do not find the development at No.17b to provide a sufficient precedent or justification for the appeal proposal that would outweigh the harm I have found.
17. Having considered the extent of the harm, in the context of the National Planning Policy Framework (the Framework), I consider that it would be less than substantial harm. This less than substantial harm would be at the lower end of less than substantial harm
18. Section 16 of the Framework requires great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.

19. Paragraph 215 of the Framework requires this less than substantial harm to be weighed against any public benefits of the development. Here that balancing exercise must take place in the context of s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which sets a strong presumption against a grant of permission for development that would fail to preserve or enhance the character or appearance of a conservation area. Provision of private external amenity space for the occupants of the appeal property would be a purely private benefit. There is no evidence before me of any public benefit that would outweigh the harm I have found to the CA as a designated heritage asset.
20. I therefore conclude that the proposal would be contrary to policy HC1(C) of the London Plan (2021), policies LP1, LP3 and LP5 of the Wandsworth Local Plan (2023), and the Historic Environment - Supplementary Planning Document (2016) (the SPD) which require, amongst other things, development affecting heritage assets and their settings to conserve their significance, to be of high-quality design that respects local character and to protect and enhance the historic environment.

Living Conditions

21. The appeal proposal would introduce an external terrace area at second floor level to a portion of the rear outrigger at No.26. There would be a 1.1m high balustrading system to the open side of the proposed terrace, which would not preclude views through it, whether it was formed from railings or glass. The location of the proposed terrace, alongside the rear elevation of the main body of the properties, would position future users of the proposed terrace in very close proximity to the windows at first and second floor level in the rear elevation of the neighbouring property at 24 Dempster Road (No.24), with clear views into their accommodation. It would also create overlooking of windows in the side elevation of the two-storey outrigger of No.24, and down into the yard and garden areas of that property.
22. Owing to the proximity with, and lack of any effective screening between, the proposed terrace and the windows of the neighbouring property at No.24, I conclude that the appeal proposal would result in an unacceptable level of harm to the occupants of neighbouring properties with particular regard to privacy. It therefore follows that the proposal would be contrary to policy LP2 of the Wandsworth Local Plan (2023), and the SPD which require, amongst other things, development not to adversely impact the amenity of occupiers of neighbouring properties.

Conclusion

23. 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