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## Appeal Decision

Site visit made on 31 July 2025

by **Jonathan Edwards BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6<sup>TH</sup> August 2025

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**Appeal Ref: APP/H5960/W/25/3359790**

**6 Summerstown, Wandsworth, London SW17 0AY**

- 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 Sam McGill (Calderwell Ltd) against the decision of the Council of the London Borough of Wandsworth.
  - The application Ref is 2024/1798 .
  - The development proposed is described as “the sub-division of the site at number 6 Summerstown and the development of a new 2-bed residential property on land to the north of the existing property”
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. Amended plans, an updated flood risk assessment (the FRA) and a new biodiversity metric have been provided with the appeal. These were not with the Council at the time of its decision on the planning application but there has been opportunity to comment on the documents through the appeal process. The revised drawings show changes to the design of the proposed house but they do not fundamentally alter the proposal. No injustice would be caused by considering the revised and updated information in my assessment of the appeal.

### Main Issues

3. The main issues are (i) whether the proposal would be in a suitable location having regard to its relationship with industrial and similar use areas, (ii) its effect on the character and appearance of the area, having regard to its effect on the setting of non-designated heritage assets (NDHAs), (iii) whether the loss of existing garden would accord with policy LP7 of the Wandsworth Local Plan 2023 (the LP), and (iv) flood risk issues.

### Reasons

*Suitability of location.*

4. The Council's first refusal reason refers to the Summerstown Locally Significant Industrial Area. However, the Council has confirmed the appeal site instead lies in a Strategic Industrial Location (SIL) as defined under the LP.
5. Policy E5 of the London Plan 2021 (the LonP) explains that SILs should be sustained as London's largest concentrations of industrial, logistics and related uses that support the economy. Under this policy, development should not

compromise the effectiveness of SILs in accommodating industrial activities that operate on a 24 hour basis.

6. Part A of LP policy LP34 supports industrial and other identified uses in SILs. Under part B 4 of this policy, other uses including residential are not supported in SILs unless they are ancillary to industrial premises or, in limited instances, if they are small-scale and cater for local needs of people working in the area.
7. The appeal site includes a house with front, side and rear garden areas. The proposed dwelling would not be ancillary to an industrial use and there is no indication it would be provided to specifically meet the needs of people working in the area. As such, the development is not supported by LP policy LP34.
8. It seems unlikely the appeal site would in the future be put to any of the uses identified under LP policy LP34. However, land within SILs is not just designated to promote the provision of industrial and similar uses but also to resist proposals that would compromise such uses or potential future industrial development.
9. The appeal site is adjacent to the rear of large commercial buildings that face onto St Martin's Way. It would seem that these premises are suited for the industrial and similar uses as outlined in LP policy LP34. Moreover, they are on large plots and so it is reasonable to envisage they may be the subject of redevelopment proposals or the intensification of industrial uses in the future. As such, the proposed dwelling may be affected by noise generated from existing or future businesses.
10. The appellant's Noise Impact Assessment Report (the NIA) describes a noise survey carried out in respect of the appeal property, the neighbouring dwelling at 8 Summerstown (No 8) and The Corner Pin public house (the pub). However, there is little evidence within the NIA to demonstrate how the proposed house would be designed to provide acceptable living conditions should new industrial type uses be carried out on nearby sites that generate excessive noise. As such, the development could undermine the aim of the SIL to support the industrial sector. The Agent of Change principle under LonP policy D13 explains it is the appellant's responsibility to mitigate against such potential noise impacts.
11. The appeal development would have a similar relationship to existing commercial premises compared to the existing house at the appeal property. There are also other nearby residences, although these are further away from existing industrial sites. However, there is a policy requirement for the appeal proposal itself to maintain the effectiveness of the SIL to accommodate potentially noisy and disruptive industrial operations. To my mind, the fact there are existing residences in the locality does not provide sufficient justification for allowing an additional dwelling in the SIL contrary to LP and LonP policies.
12. I am referred to other examples where planning permission has been granted for residential developments within SILs. It would seem from the planning officer's report that the Council failed to properly consider the development plan policies on SILs when granting planning permission for residential flats above the pub. However, this does not justify ignoring such policies in my assessment of the appeal.
13. The Council determined that prior approval was not required for the change of use of a retail unit to a dwelling at 652 Garratt Lane. However, the matters to be

considered for that application made under permitted development rights would have been limited and could not include the effect on the integrity of the SIL. As such, there are material differences between that proposal and the appeal scheme.

14. An Inspector granted planning permission under appeal decision reference number APP/H5960/W/24/3337576 for residences within an area designated for industrial uses. However, these would be part of a mixed use scheme. Whilst the Inspector found the proposal would conflict with Part B of LP policy LP34 he found the inclusion of residences was acceptable given viability issues and the overall benefits of the scheme. The same circumstances do not apply in this case. Appeal decision APP/H5960/W/19/3235608 also allows residential units as part of a mixed use scheme within a locally significant industrial area. However, that proposal would also increase the amount of industrial floorspace on the site and so again it is different to the current appeal scheme. Therefore, I am not bound to arrive at the same conclusions as the previous Inspectors in my consideration of this appeal.
15. For the above reasons, I conclude the development would not be in a suitable location when assessed against LonP policy E5 and LP policy LP34 on SILs. Also, it would compromise the effectiveness of the SIL to accommodate industrial growth as it has not been shown the dwelling would provide acceptable living conditions having regard to noise from potential industrial uses. In these regards, it would not accord with the Agent of Change principle set out in LonP policy D13.

*Character and appearance of the area and setting of NDHAs.*

16. The appeal property, No 8 and the pub are a small group of attached buildings. The houses are 2 storeys high with dual pitched roofs, but they are fairly modest in size and of simple design. The pub is taller and includes more interesting architectural features. The dwellings date from the 1820's with the pub from the 1920's. The Council has designated them as locally listed buildings. As a group the properties hold an aesthetic and historic interest due to their obvious age, traditional architectural style and modest scale. These interesting aspects are of particular note given the immediate context of large industrial buildings and modern apartment blocks. As such, the appeal property, No 8 and the pub are NDHAs.
17. The proposed house would fill most of the space between the flank wall of the existing property and the boundary with the units that face St Martin's Way. Its principal elevation would be set back behind the front elevation of the existing dwellings. Even so, it would be seen when approaching the site from Garratt Lane and from directly in front of the site when on Summerstown. Therefore, the proposal would have a noticeable effect on the street scene.
18. The proposed dwelling would have a mono-pitch roof that slopes down from the side elevation to eaves above the wall attached to the appeal property. This roof form would fail to reflect the dual pitched roofs on 6 and 8 Summerstown. This incongruity would be emphasised by the eaves level being higher than those on the appeal property and No 8. The scheme has been intentionally designed to define a clear distinction between older and modern development. However, as a result, the proposed house would appear starkly unsympathetic to the traditional appearance and character of the group of buildings. The use of appropriate external materials would not address the unusual form of the proposed house.

19. Moreover, unlike the existing modern properties that surround the site, the proposed dwelling would be attached to the group of traditional buildings. This direct relationship and the loss of most of the space to the side of the appeal property would erode the visual distinction that currently exists between the group of historic buildings and the modern properties that surround the site. In these regards, harm would be caused to the appreciation of the NDHAs and their setting.
20. Also, the proposed house would extend out further to the rear compared to the attached dwelling. The development would have a marked overbearing effect on the adjoining houses due to the depth of the rear projection, the height of the side wall and its positioning on the proposed side boundary line. This imposing effect would only be seen from the back gardens. Nonetheless it would lead to the proposed house detracting from the visual attractiveness of the appeal property and its neighbour when seen from private land.
21. The plans show works to the existing appeal property. As highlighted by interested parties, these alterations would be sympathetic and there would be a minor benefit in terms of replacing modern windows with fenestration of a more traditional style. The works may also encourage the re-use of the appeal property. However, any enhancements in these regards would fail to address or to override the detrimental effects of the proposal when considered as a whole.
22. Therefore, I conclude the development would have a harmful effect on the setting of the NDHAs and it would be detrimental to the character and appearance of the area. In these regards it would not accord with LP policies LP2 and LP3. Amongst other things, these look to ensure that development preserves the significance, character and appearance of heritage assets and avoids overbearing effects.

*Loss of garden.*

23. Part E of LP policy LP7 states that additional housing on private residential gardens will not normally be permitted. Only where a proposal involves the comprehensive redevelopment of a number of whole plots will the loss of garden land be considered acceptable.
24. The proposed house would be on land that forms garden to the appeal property. The exception as set out in LP policy LP7 does not apply. Some garden land would remain following the development but nevertheless, I conclude the loss of garden as a result of the proposal would be contrary to LP policy LP7.

*Flood risk.*

25. The appeal site lies in an area identified on the Environment Agency (EA) flood maps as being within flood zone 3 and so it is at high flood risk. Also, the FRA identifies the site as being at low to medium risk of surface water flooding.
26. LP policy LP12 describes the sequential test (ST) that looks to direct development to areas at the least risk of flooding. The appeal site lies within an Area Strategy area as identified under part E 1 of this policy and so the ST is considered to have been passed. Nonetheless, Part A of LP policy LP12 requires clear demonstration that proposals would avoid sources of flooding and would not increase flood risk elsewhere.
27. In line with EA advice, the FRA identifies a design flood level for the site when existing flood defences are not considered. The ground floor of the proposed

house would be constructed at least 300mm above this flood level. This would help ensure the proposed residential accommodation is not at flood risk.

28. Moreover, a void would be formed underneath the ground floor to provide compensatory floodwater storage capacity on the site, with the aim to ensure the development does not exacerbate flood risk at other properties. The void would have openings on all sides of the house to allow water in and out in the event of a flood. Steps up to the front and rear entrances of the house would have open treads, which it is claimed will allow free flow of flood water into and out of the void.
29. Figure 6.1 of the FRA purports to show how floodwater would flow freely through the void and underneath the building in a flood event. However, this diagram is not supported with evidence to show how the flow routes have been established. Moreover, I attach significant weight to the EA's concern that the FRA as a whole does not convincingly demonstrate how floodwater flows would be affected by the development having regard to the varying ground levels on the site and nearby. Also, there is little explanation as to how the building itself would affect flows, particularly in situations where the openings to the void or the open treads to the entrance steps become blocked. Consequently, the FRA fails to demonstrate the proposed flood compensation measures would avoid an increase of flooding at other nearby properties.
30. Therefore, I conclude the development would have an unacceptable effect on the risk of flooding. In these regards, it would be contrary to LP policy LP12, particularly the requirement to clearly demonstrate the proposal would not increase flood risk elsewhere.

### **Other Considerations, Heritage and Planning Balance.**

31. For the reasons provided under all the main issues, I have found the proposal would not accord with development plan policies. It follows to consider whether other factors justify granting planning permission contrary to the development plan.
32. The appellant received pre-application advice from the Council that a new house on the site would be acceptable in principle. Indeed, the proposed dwelling would be located in an urban area so that future residents would have good access to facilities and public transport links. Also, it would make more effective use of the site in terms of providing an extra residence. In these respects, it would help boost the supply of homes as advocated under the terms of the National Planning Policy Framework (the Framework).
33. The application form states the development would be subject to the statutory biodiversity gain condition (BGC) if planning permission is granted. The Council has raised a concern over the accuracy and classification of habitats within the biodiversity net gain report provided with the planning application leading to this appeal. However, the BGC would secure the required enhancement in biodiversity either through onsite improvements or the purchase of habitat units. The benefits in these regards attract limited weight in support of the proposal.
34. I have identified the development would cause harm to the setting of NDHAs. This harm outweighs the benefits in terms of the minor improvements to the appeal property and enabling its re-use. Having regard to part G of LP policy LP3 and paragraph 216 of the Framework, a balanced judgement is required having regard to the scale of any harm and significance of the NDHAs. With these factors in

mind, I consider the proposal would cause a moderate level of detriment to the NDHAs. The public benefits of the proposal are of insufficient weight to override the harm that would be caused in these regards.

35. Moreover, I have identified the development would conflict with LP and LonP policies on SILs, loss of garden and flood risk. The overall harm that would be caused by the proposal attracts significant weight. Consequently, the advantages of the scheme fail to justify granting planning permission contrary to the development plan.

### **Conclusion**

36. For the above reasons, I conclude the appeal should be dismissed.

*Jonathan Edwards*

INSPECTOR