
Appeal Decision

Site visit made on 14 October 2025

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 December 2025

Appeal Ref: APP/H5960/W/25/3362986

Howards Yard, 11-15 Furmage Street, Wandsworth, London SW18 4DL

- 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 Howard Bros & Strong Limited against the decision of the London Borough of Wandsworth Council.
 - The application Ref is 2023/3569.
 - The development is redevelopment of the existing site to construct a part three storey, part five storey building containing 11 x 1 bed apartments and 5 x 2 bed apartments, with associated amenity space, cycle and refuse storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area;
 - Whether the proposal would provide adequate living conditions for future occupiers;
 - The effect of the proposed development upon the living conditions of existing occupiers with regard to privacy;
 - Whether the proposal would provide suitable waste and recycling facilities;
 - Whether the proposed development would provide an appropriate mix of market units;
 - Whether affordable housing is required to make the proposal acceptable in planning terms;
 - The effect upon protected species; and
 - Flood risk.

Reasons

Character and appearance

3. The appeal site comprises a modern three-storey property located on the junction of Furmage Street and Esparto Street split into a number of apartments. It is constructed from red facing brick with a mansard roof. It forms part of a broadly triangular perimeter block along Furmage Street, Esparto Street and Twilley Street and is largely characterised by Victorian two storey terrace dwellings.
4. Opposite the site on the southern side of Furmage Street and the eastern side of Esparto Road are large scale flatted developments that occupy considerable lengths of the street frontage. These developments are four storeys in height and vary in terms of their age and design and on account of their scale and height are somewhat at variance to the prevailing two storey height of buildings in the locality.
5. In broad terms the proposed development involves demolition of the current building and construction of a new apartment block. The elements neighbouring the terrace dwellings either side would be three storeys in height with a five storeys central block.
6. Part E of Policy LP4 of the Wandsworth Local Plan (2023) (LP) defines buildings between 5 storeys or over, or 15 metres or more from ground level to the top of the building and under 7 storeys or 21 metres or more as mid-rise buildings. The policy goes on to advise that such buildings will be permitted in identified zones, subject to certain design criteria being met. Proposals for tall or mid-rise developments will be restricted outside of these zones. In this regard there is a general presumption against buildings of the height proposed as part of the scheme before me.
7. The resultant height of the proposed development would be notably taller than the buildings either side. The transitional step up in height would be abrupt, rather than gradual, and in this regard, it would be visually intrusive and jarring. The significant scale and massing of the proposed development would be an unwarranted and dominant presence in the street scene. It would also detract from the prevailing two-storey height of buildings along this side of the road and which provide an appreciable contrast and relief to the greater scale of the flatted developments opposite.
8. The appellant has referred to a roof conversion at 17 Esparto Road which they contend is relevant. However, no details are before me and in any event the merits of a roof extension to a single dwelling are materially different to a new build residential scheme. As such, there is nothing substantive to demonstrate that it would represent a natural stepping up of building heights and an appropriate transition between existing properties and the proposed development.
9. Whilst the National Planning Policy Framework (the Framework) encourages the efficient use of land including previously developed land it also recognises that development should be well designed and sympathetic to the surrounding built environment.
10. Therefore, the proposed development would adversely affect the character and appearance of the area. It would be contrary to Policies LP1, LP2 and LP4 which, amongst other things, seek to direct mid-rise development to appropriate locations

and a design-led approach that relates positively to the prevailing local character including responding appropriately to the height, scale and massing of adjacent buildings.

Living conditions for future occupiers

11. The apartments proposed include a number of external terraces of varying size and shape. With the exception of 3 external areas all of the terraces would fall significantly below the 10sq.m minimum size requirement set out in Policy LP27.
12. On account of the substandard nature of many of the terraces proposed the scheme would fail to provide future residents with satisfactory outdoor amenity space and in turn poor living conditions. To my mind given the area's compact urban grain external areas of an appropriate size would be of particular importance to intended occupiers.
13. The courtyard would not be private, nor would it be usable on account of its small size, irregular shape and presence of cycle storage. To me it is principally land left over from the development rather than a dedicated and planned outdoor space. Whilst I note the proximity of King George's Park it would not offset the lack of adequate external amenity space on site.
14. Whilst the units on site currently benefit from little to no amenity space this is not justification to allow a scheme that I have found to be unacceptable in this regard.
15. As such, the proposed development would fail to provide satisfactory living conditions for future occupiers contrary to Policy LP27 which, amongst other things, encourages external amenity space for the well-being of residents.

Living conditions of existing occupiers

16. Apartment 104 shown on the submitted plans would benefit from a terrace which would be large enough for residents to sit out on and use for recreational purposes. Taking into account its size, elevated position and proximity to surrounding properties it would afford direct views into rooms as well as gardens. This would result in overlooking and a significant and unacceptable loss of privacy for the existing occupiers of neighbouring dwellings.
17. The appellant has suggested that a privacy screen or landscaping could be installed, however, the wording of a condition nor details of the intended measures are before me. Subsequently, there is no certainty that such a proposal would provide an adequate screen so as to protect the living conditions of existing occupiers.
18. The proposed development would, therefore, adversely affect the living conditions of existing occupiers by virtue of overlooking and a loss of privacy contrary to Policy LP2 which, amongst other things, seeks to avoid development that results in unacceptable levels of overlooking.

Refuse and recycling facilities

19. The proposed development would include a ground floor storage area for waste bins. The Council advise that based on the submitted plans the area would provide space for four 660 litre capacity bins. Although no details of whether the bins would be for refuse only or refuse and recycling is before me.

20. In any event it is apparent that the number and capacity of the bins is not sufficient to serve the development, and additional space would be required for refuse, recycling, bulky items and food waste. Furthermore, the internal arrangement shown on the plans means that in order to access all of the bins others would have to be first moved out of the way making the layout impractical.
21. Whilst the site sits within a tight urban environment the proposal is for a new build development rather than conversion of an existing one and I have not been provided with any compelling evidence to demonstrate that providing the required quantum of bins is not possible as part of such a scheme.
22. In my view, the changes required to the ground floor would be more than 'minimal design changes' and would likely require a complete reconfiguration of the waste storage area.
23. Whilst the appellant has suggested that a condition for waste and recycling management details could be imposed the wording of such a condition is not before me and thus there is no certainty that it would ensure that waste is managed effectively. Furthermore, I am not persuaded that some of the measures suggested by the appellant would overcome my concerns regarding the deficiency of the number and capacity of bins needed to serve the development.
24. As such, the proposed development would not provide satisfactory storage for waste and recycling contrary to Policy LP2 which, amongst other things, seeks sufficient waste and recycling storage facilities on-site.

Housing mix

25. Policy LP24 relates to housing mix and sets out the market housing dwelling mix for new residential development. Part B of the policy advises that proposals creating 10 or more units will not be supported where the number of 1 person/ studio accommodation exceeds 5% of all market units.
26. The Council contend that 56% of the units proposed would be 1 person/ studio apartments far exceeding the maximum threshold established by the policy.
27. The appellant contends that the mix set out in Policy LP 24 is based on the 2020 Housing Needs Assessment (HNA) and that the HNA from 2024 is more up to date outlining a need for 649 1-bedroom properties over the plan period.
28. I acknowledge that the most recent HNA provides a more up-to-date analysis of housing need in the borough, but it does not have the standing of planning policy. Whilst the policy does provide a degree of flexibility I have not been provided with any objective analysis or assessment of housing need or any evidence that open market housing delivery in the area and in the pipeline is imbalanced or not meeting the needs of the borough.
29. There is nothing compelling before me to indicate that the proposed development would provide either an affordable housing option for young people or a lower cost option for first-time buyers. As such, I give this aspect of the appellant's argument very limited weight in coming to my decision.
30. In conclusion the proposal would not reflect local housing need with regard to open market dwellings undermining the housing strategy for the area and the aim of creating mixed and balanced communities contrary to Policy LP24.

Affordable housing

31. Policy LP23 relates to affordable housing and states that developments that create 10 or more dwellings must provide affordable housing on site in accordance with the threshold approach set out in the London Plan (LP). Part E of the policy states that applications not delivering the relevant minimum threshold are to undergo the Viability Tested Route under which the Council will undertake an independent review for which applicants will bear the cost.
32. The appellant's evidence indicates that there is a deficit position, and the proposal cannot support affordable housing on site. However, there is no independent review of the viability assessment, despite the appellant's willingness to fund one. As such, I am unable to come to a view as to whether the site is financially viable or not and in turn whether the development proposal is able to support a contribution towards affordable housing in the borough.
33. On this basis, the proposed development would conflict with Policy LP23 and LP Policy H5 which, amongst other things, seeks to maximise the delivery of affordable housing in the borough.

Protected species

34. The appellant's Preliminary Ecological Assessment (PEA) sets out that there are records of bats within the surrounding area. In addition, the site falls within the impact risk zone of a Site of Special Scientific Interest.
35. Whilst the PEA advises that the site offers limited potential for bats, this consideration carries statutory duties and is a matter of considerable weight particularly given its surroundings. There is a degree of uncertainty relating to the assessment as parts of the building were not visible from ground floor or inaccessible. In addition, no emergence survey has been carried out. In the absence of sufficient information, I am not satisfied that this matter has been appropriately investigated to demonstrate that there would be no harm to protected species.
36. Circular 06/2005: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system, states it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. In this case I see no reason to depart from the guidance set out in the circular and the advice of the Biodiversity Officers.
37. Therefore, the proposal would be contrary to Policy LP55 which, amongst other things, requires development to adequately mitigate the impact upon protected species.

Flood risk

38. Based on the Environment Agency flood maps and the submitted Flood Risk Assessment and SuDS Strategy Report the site falls within Flood Zone 2. Flood Zone 2 represents a medium probability of flooding.
39. Paragraph 170 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing it away from areas at highest risk

(whether existing or future). The Framework goes on to state that a sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding.

40. The site lies within the Wandle Valley Strategy Area which the LP indicates is an area that exempts certain development from the sequential test. Accordingly, I see no reason to come to a different conclusion that a further sequential test is not required for the proposal before me.
41. Given the urban nature of the site and that the proposal is a new build development I am satisfied that raised finished floor levels above predicted flood levels could be achieved and secured by way of planning conditions.
42. As such, there would be no conflict with Policy LP12 which, amongst other things, seeks to avoid or reduce flooding.

Planning balance

43. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
44. The redevelopment of the site for 16 apartments would make a modest contribution to the borough's housing supply. On the other hand, I have found that the proposed development would adversely affect the character and appearance of the area. In addition, it would fail to provide acceptable living conditions for future occupiers, it would harm the amenities of nearby residents and protected species and it would fail to provide an appropriate housing mix and affordable housing.
45. The adverse effects of the proposal would significantly and demonstrably outweigh the benefits and cannot be made acceptable through the imposition of conditions. I conclude that the scheme before me conflicts with the development plan, when read as a whole. There are no other considerations that outweigh that harm.

Conclusion

46. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR