



Appeal Decision

Site visit made on 26 February 2026

by **S Sharp BSc(Hons) BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 June 2026

Appeal Ref: APP/H5960/W/25/3376389

119 Boundaries Road, Wandsworth, London SW12 8HB

- 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 Radstone c/o Hyjan Investments Holdings Ltd. against the decision of the Council of the London Borough of Wandsworth.
 - The application reference is 2025/1760.
 - The development proposed is erection of a 1 x 2 bedroom new build dwelling, with associated subdivision of the site and landscaping alterations, with associated cycle and refuse storage and some external alterations and demolitions.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Wandsworth Local Plan Partial Review (WLPPR) was adopted on the 4 March 2026. It affects certain policies within the Wandsworth Local Plan 2023-2038 (WLP) and I invited the main parties to provide comments on the WLPPR's adoption. Having received comments from both parties I am satisfied that only policy LP23 of the WLPPR, dealing with affordable housing, is of direct relevance to the appeal.
3. The WLPPR's policies are not being implemented in decision making by the Council until guidance has been adopted by them on how the policy will be procedurally executed. It has nevertheless become part of the development plan, and I have had regard to it in my decision. The unaffected policies in the WLP remain part of the development plan.

Main Issues

4. The main issues are: -
 - the effect of the proposed development on the character and appearance of the area, specifically the Wontner Road streetscene.
 - whether the appeal site is an appropriate location for housing, specifically in relation to the effect of the proposal on amenity space for 119 Boundaries Road, and biodiversity.
 - the effect of the proposed development on the living conditions of future occupiers of the existing dwelling, 119 Boundaries Road, in terms of access to daylight, sunlight, and outlook (including overbearance).

Reasons

Character and appearance

5. The existing building at the appeal site is an end of terrace dwelling dating from the early 1900s occupying a corner at the intersection of Boundaries Road and Wontner Road. Dwellings of similar style and age are part of the character of the area, but I also noted several examples of post 1950 dwellings in the immediate locality. Examples of these include those on the opposite side of Boundaries Road to the appeal site and further along Wontner Road. Qualities such as gabled roofs, short front gardens and street trees provide a degree of uniformity and a sense of place.
6. The existing boundary wall and gates to Wontner Road, at the appeal site, screen the rear amenity space and driveway from public view. Above the gates and the wall, the gap between 119 Boundaries Road and 1 Wontner Road provides visual relief between the frontages of the two streets. I observed that there is a similar gap behind the dwelling on the corner of Boundaries Road and Hosack Road. These gaps in combination result in an unobstructed view from Wontner Road, over the appeal site, to the dwellings on the far side of Hosack Road. This gives a sense of openness and light to the appeal site end of Wontner Road which contributes positively to the character and appearance of its streetscene.
7. The proposal includes the demolition of a single storey extension to the existing dwelling at the appeal site as well as demolishing a single storey detached outbuilding that I will refer to as a garage. A 2 storey dwelling is proposed adjacent to No 1. Unlike the existing single storey extension and outbuilding, the proposed dwelling would screen the view over the appeal site and back gardens of dwellings on Boundaries Road towards Hosack Road. It would visually close the gap between the existing dwellings at No 119 and No 1. This would have a significant harmful effect on the positive contribution that this gap makes to the character and appearance of the Wontner Road streetscene.
8. The proposal would also appear cramped given its proximity to the 2 storey projection at No 119 that is proposed to be retained. This only would serve to accentuate the harm to the character and appearance of the Wontner Road streetscene.
9. The proposed dwelling would be of a contemporary design. The design would not be incongruous within the streetscene given the existing mix of styles present, the varied facing materials palette, and that the form references the gabled roofs that prevail in the area. The setback proposed from the Wontner Road footway would complement the existing frontages. The dwelling would also address Wontner Road with its principal elevation and entrance, leave a 1m gap to No 1, and include a dual aspect outlook. Nevertheless, these qualities do not overcome the harm derived from the proposal's massing and siting.
10. I specifically visited the examples at 24C Brodrick Road (referred to by the appellant as Garages west of 24 Brodrick Road) and 46 Upper Tooting Park (referred to by the appellant as Garage at rear of 59 Marius Road). The examples cited do not close a view across back gardens to another street or appear

cramped against an existing dwelling. These are material differences to the appeal proposal.

11. The harm to the character and appearance of the Wontner Road streetscene would result in conflict with policies LP1 and LP7 of the WLP. These policies seek to ensure that proposals have a high level of physical integration with their surroundings and that their scale, massing and appearance enhance and relate positively to the prevailing local character.
12. The London Plan (LP) is also part of the development plan for the appeal site, although its policies are not cited in the Council's reasons for refusal. Nevertheless, in reaching my findings above, I also find conflict with LP policies D1, D3, D4 and D5. These policies, referenced in the appellant's evidence, seek to ensure that there is a design led approach to optimising the capacity of sites, whilst responding positively to urban grain, townscape, block pattern, extent of frontages, building heights and density characteristics. I have also had regard to the Council's Housing Supplementary Planning Document (SPD) and the National Planning Policy Framework (the Framework) in reaching my findings.

Location in terms of biodiversity and amenity space

Is it garden land?

13. Criterion E of Policy LP7 of the WLP states that additional housing on private residential gardens i.e. garden land, will not normally be permitted¹. The appeal site encompasses the existing dwelling at No 119, a garage and area of hardstanding. The latter is not divided from the dwelling by any means of enclosure. A door from the dwelling's rear extension opens directly onto the area and, although the dwelling is now vacant, the outdoor areas within the appeal site are clearly part of its curtilage. Much of the area would have been used for the vehicular access and parking between Wontner Road and the on-site garage. Furthermore, all of the area not occupied by buildings is characterised by hardstanding with an absence of lawn and other soft landscaping.
14. Nevertheless, given the privacy afforded by high boundary walls and gates to Wontner Road, the direct access from the dwelling and the orientation that benefits from sunlight during parts of the daytime, it would have been probable that the areas not used for the parking of cars would have been used as private residential garden space. The Oxford English Dictionary defines garden as "*a piece of ground, usually enclosed, where flowers, fruit, or vegetables are cultivated. In later use chiefly (esp. British): a piece of ground adjoining a building (esp. a private property), often with grass, flowers, trees, etc., and generally used for recreation.*" The use of the word "often" does not exclude areas devoid of planting.
15. The proposal would therefore result in the development of a single residential garden (garden land) and would not constitute the development of a brownfield site or comprehensive development of a number of whole land plots.
16. The appellant has provided examples of a number of other developments in southwest London at Montana Road SW17, Buckmaster Road SW11, Brodrick Rd/Trinity Rd SW17, Marius Road SW17 and Sutherland Grove SW18 which they consider have comparable characteristics to the appeal site. These examples

¹ For completeness, I note that exceptional circumstances can apply to permit such development if the proposal is for comprehensive development of a number of whole land plots, which does not apply to the proposal.

differ to the appeal proposal for one of two reasons. These are that they were either historically brownfield sites physically separate from residential gardens or, they had been residential gardens but were divided from the dwellings to which they related prior to the change in the Framework that excluded gardens from the definition of brownfield land.

17. A further case cited by the appellant is at Beechcroft Road SW17 which was a dwelling allowed on appeal². A distinction was made in that decision between the garden land use as amenity space and the area within which a domestic garage was located, the latter being where the new dwelling was proposed. In this regard, there is a clear distinction between the two cases. The proposal before me includes the proposed dwelling's footprint extending beyond the garage's footprint into the amenity space.
18. Policy LP7 does not restrict development on residential gardens per se. Criterion E of policy LP7 states that development of such land requires maintenance of the local character, amenity space for the existing dwelling and biodiversity. As set out above, I already have found that the proposal would unacceptably harm local character. I turn to amenity space and biodiversity matters below.

Biodiversity

19. The site is occupied by buildings and hardstanding. These characteristics provide negligible habitat value. As such there is no conflict with policy LP7 with regards to the effect on biodiversity. I also find that such characteristics would afford the proposal the de minimis exemption under the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Amenity space

20. The appellant's evidence advises that 62m² of amenity space would remain for No 119 following the development of the site as proposed. The Council do not dispute this figure. The external amenity space at the appeal site is larger than the approximate areas at a number of nearby properties on Boundaries Road and Wontner Road. The appellant's location plan appears to confirm this. The amenity space that would be retained by No 119, and is proposed for the new dwelling, would also exceed the standards set out in policy LP27 of the WLP and policy D6 of the LP. I therefore find that an acceptable level of amenity space would be provided for the existing property within the appeal site.

Overall

21. Notwithstanding that the proposal would result in the retention of an acceptable area of outdoor amenity space and maintain existing levels of biodiversity, for the reasons given above, it would result in significant harm to local character.
22. As such, there is conflict with policy LP7 of the WLP resulting from the proposed development of the garden land. The policy does provide a degree of flexibility in its use of the phrase "not normally permitted" but, in this instance, the harm means that no exception would apply.

² Appeal reference 3330273

Living conditions –119 Boundaries Road

23. The room within the existing single storey extension that is proposed to be demolished is fitted out with kitchen units. It is reasonable to conclude that it was this room that was used as the kitchen when the dwelling was occupied. The room next to it within the main house proposed to be retained, is empty with no furniture or fitted units except for a gas fire installed against the wall opposite a bay window. Given the existence of the bay window and fire and the absence of fitted kitchen units, I find that the room's use was likely to have been that which can be described as habitable when the dwelling was last used.
24. The proposed demolition of the room with the fitted kitchen units would necessitate the relocation of this use into the main house, but it cannot be reasonably assumed that this would be to the adjacent room with the bay window. Furthermore, given the room's sense of spaciousness and the light afforded through the bay window, it would also be reasonable to conclude that it would continue to be used as a habitable room with its use not confined just to the cooking and preparation of food even if such appliances were installed. Indeed, it is likely that it would be used as one of the main habitable spaces within No 119.
25. The splayed design of the bay window, with its 3 aspects, provides potential for more sunlight and daylight to be afforded to the room than if it was served by a flush fitting, single aspect window. Both sunlight and daylight levels are currently affected, to varying degrees, by the position and separation distance to the side elevation of the main part of No. 119, the appeal site's boundary wall to Wontner Road, and the buildings at No 1 Wontner Road and No 121 Boundaries Road. These relationships also characterise the outlook from the bay window.
26. Irrespective of whether the proposal would breach the BRE's 45 and 25 degree tests, given the proximity of the proposal to the bay window, the levels of daylight and sunlight afforded to the room would be materially reduced. This would unacceptably diminish any future occupant's enjoyment of this room.
27. For similar reasons, the outlook from the bay window would be adversely affected. Specifically, the proximity and scale of the proposal's side elevation would appear overbearing. It would be noticeably nearer than how No 1's elevation currently appears from this viewpoint and much higher than the existing boundary wall and gates.
28. Given the likely functioning of the affected room as one of the main habitable spaces on the ground floor of No 119, the resultant level of harm to the living conditions of future occupiers of this dwelling would be moderate in scale. This scale of harm would result in conflict with policy LP2 of the WLP. The policy seeks to ensure, amongst other things, that development proposals avoid unacceptable impacts on daylight and sunlight to an existing property within the site or neighbouring properties.

Other Matters

29. The appellant's concerns over the handling of the application are outside the scope of the appeal and do not alter my findings. These relate solely to the planning merits of the proposal.

Planning Balance

30. The proposal is acceptable when assessed against several other matters. These include the acceptable accessibility that the appeal site's location would provide to services and facilities including public transport. It also includes the acceptable effect of the proposal on the living conditions of future occupiers of existing dwellings on Wontner Road, and the safety, security and resilience the proposal would provide in emergencies. A lack of harm in these respects is neutral and weighs neither for nor against the proposal.
31. Policy H2 of the LP advises that small sites are expected to meaningfully contribute to the supply of homes, 4140 homes needing to be completed in the Council's area between 2019/20 and 2028/29. In this context, the delivery of a dwelling on the appeal site would contribute to the policy's objectives. This has consistency with the provisions of the Framework which seek to optimise housing potential to address serious housing need.
32. Policy H2's support is caveated on the dwelling proposed being well designed. The siting of a proposed dwelling and its impact on the character and appearance of the area and living conditions are matters that affect whether a proposal is well designed. In this context, given my findings on those matters, I afford minor weight to the benefits that would be derived from the supply of the dwelling. The proposal would also provide not only a home, but construction phase employment and post-occupancy spend in the local economy. Again, because only a single dwelling is proposed, the benefits afforded from these positive effects are only minor in scale.
33. The Framework is a material consideration and paragraph 11 states that decisions should apply a presumption in favour of sustainable development and, for decision making, this means approving development proposals that accord with an up-to-date development plan without delay. There is no evidence before me to indicate that the development plan, comprising of the WLP, WLPPR and LP is out-of-date.
34. In this instance, significant harm would arise from the effect of the proposal on the character and appearance of the Wontner Road streetscene. Moderate harm would arise from the effect on the living conditions of future occupiers of No 119 Boundaries Road. This harm results in conflict with policies LP1 and LP7 of the WLP.
35. The benefits that would be derived from the proposal are only minor, especially given that policy H2 of the LP's support is caveated to well-designed proposals. Overall, the level of harm would be significant and outweigh the minor benefits. There would be conflict with the development plan as a whole. There are no material considerations that indicate that a decision should be made otherwise than in accordance with the development plan in this case.

Conclusion

36. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed

S Sharp

INSPECTOR