



Appeal Decision

Site visit made on 3 November 2020

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3rd December 2020

Appeal Ref: APP/H5960/W/20/3253063

Land at Jaggard Way, London SW12 8SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Cheshire West & Chester Council, against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2018/5413, dated 14 November 2018, was refused by notice dated 29 November 2019.
 - The development proposed is described as the demolition of the existing buildings and the redevelopment of the site for a mixed-use scheme comprising up to 72 homes and a minimum of 384 sqm GIA Use Class B1a floorspace, 1,449 sqm GIA Use Class B1c floorspace and 124 sqm GIA Use Class D2 floorspace, with associated car parking and cycle spaces, in four blocks all at four-storeys, with a single-storey link between the first, second and third blocks.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal is for outline planning permission with all details except for access reserved. However, the application is accompanied by various 'Parameter Plans', which show the suggested floor plates, sizes and massing of the four proposed 4-storey blocks, and the single-storey link buildings between three of the blocks, and the positioning of all of these within the site. In addition, there is a submitted document entitled Development Principles, which sets out various details in written form, including confirmation of the maximum building heights, total footprint, and distances from boundaries, together with details of car and cycle parking numbers. It is agreed between the appellants and the Council that all of these details, in the Parameter Plans and Development Principles, are for consideration at this stage, as part of the outline proposal. I have dealt with the appeal on this basis.
3. In addition, the proposal is also accompanied by various more detailed floor plans and elevations, and a site layout, which are all agreed to be indicative.
4. A Section 106 legal agreement has been entered into, which provides for 15 of the proposed dwellings to be affordable housing. Other provisions within the agreement also provide for a restriction on parking permits, a travel plan, local employment, contributions to local skills, training and carbon offsetting, and a workspace management plan.

Main Issues

5. The Council's reason for refusal relates to the effect of the proposed development on the living conditions of neighbouring occupiers, by reason of loss of daylight only. However, a range of additional issues are raised in representations by other parties, including various further impacts on neighbours, as well as other matters. In the light of all the submissions before me, I consider that the main issues in the appeal are as follows:
- the effects of the proposed development on living conditions at neighbouring properties, with regard to daylight and sunlight within dwellings, overshadowing of gardens, outlook, and privacy;
 - whether the scheme would accord with relevant policies relating to the site's status as a designated employment protection area;
 - the effects on the character and appearance of the area, including the effects on the settings of nearby heritage assets.

Reasons for Decision

Effects on neighbouring occupiers' living conditions

The appeal site and proposed scheme

6. The appeal site is linear in shape, running generally behind Mayford Close and Ravenslea Road. Mayford Close comprises 3-storey flats, orientated end-on to the boundary in question, and a garage court. Ravenslea Road comprises 3-storey terraced houses. On its other long boundary, the appeal site adjoins a railway line.
7. The development would take the form of four linked blocks, with residential accommodation on the upper three floors, above commercial space at ground floor level. The most southerly of the four proposed blocks would be sited in the part of the site that backs onto Nos 65-77 (odd) Ravenslea Road. These existing properties have gardens ranging between about 12-20m in length.
8. The spacing between this proposed building and the site boundary is shown on the parameter plans as 4.5m at a point behind No 69 Ravenslea Road, and either 2.2m or 2.1m¹ behind No 75. The ground level within this part of the appeal site is up to about a metre higher than the Ravenslea Road properties.
9. Based on the submitted parameter plans, this southernmost new building would be 14.4m high and 30.7m wide. In one of its rear corners, the three upper floors would be set in by a few metres from the ground floor's main rear and side walls, but at the front the new building would have four full storeys across its whole width.

Policy DMS1c

10. Policy DMS1c of the Wandsworth Development Management Policies (the DMP)² seeks to ensure that new developments avoid causing harm to the amenity of neighbouring occupiers, in terms of a range of impacts, including overshadowing, overbearing, unsatisfactory outlook, privacy, and sunlight and daylight.

¹ There is a slight discrepancy between the ground floor and upper floor parameter plans; I have assumed the larger figure

² The Wandsworth Local Plan Development Management Policies Document, adopted March 2016

Daylight within dwellings

75 Ravenslea Road

11. At No 75 Ravenslea Road, the main rear room at ground floor level is said to be a kitchen/ dining room (room R1/520). On the appellants' evidence, the main window to this room (window W4/520) would suffer a reduction in Vertical Sky Component (VSC), from the existing level of 31.28%, down to 19.56%. This would push the VSC level well below the threshold of 27%, which is identified in the 'BRE Guide'³ as the level at which the amount of diffuse daylight reaching a window can normally be regarded as adequate. In addition, this change would represent to a loss of 37.47% compared to the existing situation, thus going well beyond another of the Guide's recommended thresholds, which is for the VSC not to drop below 0.8 times its existing value. The combination of these two factors, as described in the Guide, means that the overall effect on the occupiers would be a noticeable reduction in the amount of light from the sky, with a 'gloomy' and more oppressive interior, and an increased need to use artificial lighting.
12. The same kitchen/dining room also has three small rooflights, and consequently when measured in terms of the No-Sky Line (NSL) or Average Daylight Factor (ADF), the loss of daylight to window W4/520 would not exceed the relevant thresholds for those additional factors. But this does not overcome the impact that the proposed development would have on this main window in terms of the VSC. Given the importance of this particular window, serving as the main light source to what is likely to be one of the building's main living spaces, this adverse impact would be significant.
13. In addition, on No 75's first floor, the rearmost bedroom window (W3/521) would suffer a VSC reduction of 32.71% compared to its existing level. This would bring this window down to a VSC of 25.69%. In terms of both the absolute and percentage loss, this adverse impact would again contravene the BRE Guide's recommended thresholds on both counts. Furthermore, in the case of this same bedroom window, the effect on the NSL would be that the room in question would suffer a 43.9% reduction in the area benefitting from a view of the sky. This would substantially breach the BRE's recommendation that the NSL value should not be reduced to below 0.8% of the existing level. A large part of the room would therefore appear dark. In terms of daylight, bedrooms are regarded by the Guide as less important than living rooms, but that does not mean they should be disregarded.
14. Taking account of the impacts on both the ground floor kitchen/diner and the first floor bedroom, the overall impacts on daylight to No 75 would to my mind be unacceptably detrimental to living conditions at the property.

73 Ravenslea Road

15. Turning to No 73 Ravenslea Road, the main window (W1/540) to the ground floor room described as a kitchen (R1/540) would be reduced from a VSC of 32.45% to 20.10%, a loss of 38.06% compared to the existing situation. In terms of the NSL, the room would suffer a 44.6% reduction in the area with a sky view. At first floor level, window W1/541, which is the only window serving bedroom R1/541, would go from a VSC of 38.05% to 25.49%, a reduction of

³ Site Planning for Daylight and Sunlight: a Guide to Good Practice', The Building Research Establishment, 2011

33.01%. In this case there would also be an NSL loss of 40.1%, and an ADF reduction of 28.92%. The latter would result in an ADF level of 0.97%, thus dropping below the recommended minimum level of 1% for bedrooms.

16. I appreciate that, in the case of existing buildings, ADF measurements are to be used with some caution, but here I consider it to be of some relevance. In any event, the effect of the ADF in this case is merely to reinforce the view that I have come to, based on the other available evidence. Overall, in both these ground and first floor rooms, the adverse impacts on daylight would significantly exceed the thresholds set out in the BRE Guide.
17. In addition, as I saw on my visit, the basement at this property is used as a family room and home office space (R2/529), and as such is an important habitable room in the context of the particular dwelling. Although the two rear-facing windows in this room (W1/529 and W2/529) already have quite low VSCs, both would suffer further reductions in well excess of 20% of their existing levels. Whilst the basement also has a window and light well to the front, the room depends on receiving light from both directions.
18. In all these respects, the loss of daylight to No 73's kitchen, bedroom and basement would be noticeable and significant. Cumulatively, in my view, the impact on living conditions for the property's occupiers would be unacceptable.

71 Ravenslea Road

19. In the case of No 71 Ravenslea Road, the main or sole windows (W8/560 and W3/561) of the dining room (R3/560) and rearmost first floor bedroom (R3/561) would suffer VSC reductions of 41.15% and 30.58% respectively, pushing both rooms below the 27% threshold level for acceptable conditions. In the case of the dining room, the resulting VSC would be well below that threshold, at 19.19%. Both of these rooms would also suffer changes in their NSL, in excess of the BRE Guide recommendations. In the case of the dining room, this would amount to a loss of 56.2% of the existing sky view. The dining room would also suffer a reduction in its ADF, to 1.43%, which would be below the BRE's recommended minimum for living rooms, of 1.5%.
20. As I saw on my visit, the dining room is an unusually deep room. But at present, on the appellants' calculations, the existing level of daylight within it meets the accepted standards; whereas the effect of the proposed development would be that it would cease to do so. Together, these effects would amount to an unacceptable impact on living conditions at No 71.

69 Ravenslea Road

21. At No 69 Ravenslea Road, the window (W1/580) to the rearmost room of the ground floor flat, which is assumed by the appellants to be a kitchen (R1/580), has a VSC which is already below the BRE recommendation, at 23.50%. With the proposed development, this room would suffer a reduction of 41.53% of its existing daylight, leaving it with a VSC of 13.74%, approximately half the recommended level. According to the appellants' calculations, the kitchen already falls below the relevant minimum ADF level, at 1.71%, and the development would exacerbate this by reducing the ADF to 1.12, a reduction of 34.21%.
22. In part, these low levels of light in the ground floor kitchen are due to the overhanging balcony above, but the evidence shows that even if this were

discounted, the development's impacts on the VSC and ADF would still fail to satisfy the relevant BRE recommendations. On either basis, it seems to me that the effects on daylight at No 69 would be unacceptable.

Other neighbouring properties

23. With regard to the other existing properties around the appeal site, including Nos 65, 67 and 77, and others in Ravenslea Road, and those in in Mayford Close, although some of these would experience some lesser reductions in daylight, I am satisfied that in none of these other cases would the degree of harm be unacceptable. But this does not diminish the severity of the impacts that I have identified on the occupiers of the four properties discussed above.

Other matters relating to effects on daylight

24. As the appellants point out, the BRE Guide is not a statutory document, and in principle there is nothing to prevent a decision-maker from departing from its advice. The Guide itself acknowledges that a degree of flexibility may sometimes be appropriate. But nevertheless, the fact remains that Policy DMS1c calls for a planning judgement as to the development's impact on daylight, and whether that impact would be acceptable or not. In this context, the BRE Guide is widely recognised as the most authoritative document in its field. No other alternative source of guidance, or alternative standards, have been identified. The Guide's recommendations are designed to achieve adequate lighting conditions in all types of situations. There is no evidence that accepting lower standards in this case would achieve this aim.
25. It is true that the BRE Guide envisages that there may be some cases where it is beneficial to adopt alternative target values. However, it is clear from paragraphs 1.6 and F1 that this is supported only where special circumstances or special requirements are involved. In the present appeal, there is no evidence of any such considerations. The fact that the appeal site is located in London, or that the area is urban in nature, cannot reasonably be regarded as special. Nothing in the Guide suggests that its recommendations should only be applied outside of urban areas. There is no suggestion that the height or density of the proposed buildings is necessary, in order for the development to fit in with its surroundings. The examples given in the Guide are not exclusive, and in this case the location of the appeal site adjacent to Wandsworth Common railway station, and its relatively inefficient existing land use, are material considerations. But to my mind these matters are not so special as to justify adopting poorer standards for neighbours' living conditions.
26. The National Planning Policy Framework (the NPPF), at paragraph 123c, advocates a flexible approach to daylight and sunlight, but the same paragraph also makes clear that this does not override the need for schemes to provide acceptable living standards. The London Supplementary Planning Guidance (SPG) on Housing⁴ again takes a similar line. Paragraph 1.3.46 advises that developments should still achieve satisfactory levels of residential amenity and avoid unacceptable harm to daylight and sunlight, and paragraph 2.3.45 notes the important role of daylight in enhancing occupiers' enjoyment of their homes, and reducing energy requirements.
27. I note the various decisions referred to where Planning Inspectors or Authorities are said to have accepted lower thresholds or criteria than those

⁴ the Mayor of London's Housing SPG, March 2016

recommended in the BRE Guide. But each of these decisions will have been taken after having regard to the individual facts and circumstances of the particular case. I can see nothing in any of the cases cited that changes my view as to the approach to be taken in the present appeal.

Conclusion in relation to daylight

28. I conclude that the proposed development would cause unacceptable harm to the amenity and living conditions of the occupiers of Nos 69, 71, 73 and 75 Ravenslea Road, by reason of the loss of natural daylight that these properties would suffer within main habitable rooms. In this respect, the development would involve a significant conflict with DMP Policy DMS1c.

Sunlight within dwellings

73 Ravenslea Road

29. At No 73 Ravenslea Road, from the appellants' evidence, the amount of direct sunshine received by the ground floor living room (R1/530) would suffer an overall 30.0% reduction from its current Annual Possible Sunlight Hours (APSH), resulting in a year-round APSH value of only 7%. Included within this annual loss, the room would also cease to receive any of its current small amount of winter sunshine. One first floor bedroom (R1/531) would experience an overall 21.4% loss, including all of its existing winter sun, leaving it with a year-round APSH of 11%.
30. In both of these rooms, the impact of the development would exceed the BRE Guide's relevant thresholds, which would require a retained annual APSH of over 25%, including 5% in winter, with the overall loss of APSH being limited to no more than 20% of the existing level.
31. In the same property, the kitchen (R1/540) and one other bedroom (R1/541), although each retaining an annual APSH value of more than 25%, would both suffer overall reductions of 34.5% and 26.6%. Whilst the BRE Guide acknowledges that in this respect kitchens and bedrooms are less important than living rooms, it does not suggest that the effects on these rooms are of no significance. Indeed, on my visit I saw that some of the rooms in question were currently also being used for home-working during the Covid-19 situation, and although this may not be permanent, it seems to me to add some weight to the view that lighting conditions can be equally important in other rooms as well as main living rooms. In any event, the Guide makes it clear that any loss of APSH amounting to more than 4% has the potential to make the room appear colder and less pleasant.
32. Overall, it seems to me that within No 73 the reduction in direct sunlight to several rooms would represent a noticeable and harmful impact on the occupiers of that property.

Other neighbouring properties

33. At No 69 Ravenslea Road, the year-round APSH in the kitchen (R1/580) would drop to 24%, which would be just below the BRE recommendation. In part this would be influenced by the existing balcony above, but even with the balcony excluded, the overall reduction in APSH would be 31.5%, and in terms of the winter months, the loss would be 53.8%. In bedroom R1/581, the year-round APSH would reduce by 26.65. Cumulatively, losses of direct sunlight on this

scale would be significantly detrimental to the occupiers' enjoyment of the property, irrespective of the residual APSH value.

34. No 71 Ravenslea Road would suffer year-round APSH reductions of around 30% or more to both its dining room (R3/560) and one bedroom (R3/561). In terms of the winter months, there would be substantial losses, ranging between 34.8% to 60%, for a total of five habitable rooms (R1/551, R2/560, R3/560, R3/561 and R2/562). Although all but one of these would retain a winter APSH above the threshold of 5%, the combined impact of such large losses, from so many rooms, would again detract significantly from the quality of the occupiers' living conditions.
35. In the case of No 75 Ravenslea Road, two rooms (R2/521 and R2/522) would suffer reductions in the annual APSH, of 23.8% and 32.8% respectively, including winter losses of 34.8% in each case. Broadly similar impacts would be experienced at No 67 Ravenslea Road. Based on the Guide, these impacts would be noticeable and would adversely affect living conditions, albeit to a lesser degree.
36. Whilst some other surrounding properties would experience minor reductions in sunlight, in none of these other cases would the effects be such as to cause harm to living conditions. But this does not alter my view as to the harm that would be caused in this respect to the five properties identified above.

Conclusion in relation to sunlight within dwellings

37. I conclude that the proposed development would cause a loss of direct sunlight to the interiors of Nos 67, 69, 71, 73 and 75 Ravenslea Road. In the case of Nos 73 and 69 in particular, these impacts would be such that the BRE Guide's recommendations would be breached. In all five cases, there would be a noticeable and significant adverse effect on living conditions, contrary to Policy DMS1c.
38. On its own, the degree of this harm, relating to indoor sunlight, would not be so severe as to warrant being considered unacceptable. But when considered in combination with the other harm that I have already identified, in respect of daylight, the loss of sunlight would add cumulatively to the overall harm to living conditions at neighbouring properties.

Overshadowing of gardens

39. The rear gardens of the existing properties in Ravenslea Road face south-west. At present they are shaded, or partly so, by the houses themselves during the morning. From the late morning onwards, there are patches of transient shade cast by the intermittent boundary trees, but relatively little shadow from the existing single-storey buildings on the appeal site. In the scheme now proposed, the most southerly of the proposed 4-storey blocks, lying close to the rear boundaries of Nos 65-75 (odd), would cast its shadow towards the gardens of this group of properties from around mid-day onwards.
40. At the Spring equinox position on 21st March, based on the appellants' evidence, the part of these gardens currently receiving 2 hours or more of sun ranges between about 40% to 55% of each garden area. With the proposed development, the overshadowing that would occur during the afternoons would result in these areas that receive 2 hours of sun being significantly reduced.

41. In the case of No 67 Ravenslea Road, the area receiving 2 hours' sun would be reduced from 53% of the garden to 34.3%. At No 71, the reduction would be from 44.2% at present to 28.8%. In both of these cases, the 'shrinkage' of the 2-hour sun area would represent a 35% loss compared to the existing situation. For the two flats at No 69, one garden would be reduced from 46.9% to 17.8%, and the other would go from 55.4% to 23.3%. In these two cases, the shrinkage would amount to the loss of 62% and 58% respectively.
42. Of this group of properties, Nos 65, 67 and 69(2)⁵, would all go from having more than 50% of their gardens with 2 hours of sun, and therefore meeting the level recommended in the BRE Guide, to less than 50%, and therefore falling below that threshold. Nos 69(1), 71, 73 and 75, which are already below the 50% threshold, would all fall further below. In all cases, the reduction in the area with 2 hours of sun would exceed 20% of the existing, thus failing another of the relevant recommendations. Based on the Guide's advice, these significant losses of sunlight would make all of the gardens in question appear more heavily overshadowed.
43. I appreciate that the amount of sun received during the summer months will be greater than at the equinox. But 21 March is the date specified in the BRE Guide. It seems reasonable to assume that the Guide's recommendations take seasonal variations into account. In any event, the appellants' alternative diagrams for 21 June show that, even in mid-summer, the proposed development would still have a significant overshadowing effect on the gardens of Nos 65-75 during the late afternoon and early evening, which are the times of day when gardens are likely to be most used for sitting out.
44. Outdoor amenity space is widely recognised as an important component of good quality living conditions. In the present case, the proposed development would cause substantial overshadowing to the gardens of Nos 65-75 Ravenslea Road, and as a consequence, the occupiers' enjoyment of these outdoor spaces would be significantly reduced. Some other adjoining properties would experience more minor effects on their gardens, but those where I consider the impact would be significant are those that I have identified.
45. I conclude that the proposed development would cause unacceptable levels of overshadowing to the gardens of Nos 65, 67, 69, 71, 73 and 75 Ravenslea Road. This impact would add significantly to the other harms that I have already identified to the living conditions of neighbouring occupiers, thus exacerbating the development's conflict with Policy DMS1c.

Outlook

46. As already described, the proposed new 4-storey building at the southernmost end of the appeal site would be a substantial structure, set on higher ground, close to the boundary.
47. Seen from Nos 71, 73 and 75 Ravenslea Road, as I saw on my visit, this new building would fill almost the whole of the outlook from the rear windows and gardens of these dwellings. From Nos 69 and 77 too, the building would fill a large part of their outlook. From the point of view of the occupiers of all of these existing properties, it seems to me that a building of the size now

⁵ The smaller of the two gardens at No 69, as numbered in the letter from BRE, dated 13 August 2020

proposed, in such close proximity, would appear excessively imposing, intrusive and over-dominant.

48. From other properties in Ravenslea Road and Mayford Close, the development as a whole, including the three other proposed 4-storey blocks, would be clearly visible, and would be a substantial element in outward views. But in none of these other cases would the development be so close, or the impact so over-powering, as at the properties that I have identified.
49. I conclude that the development would give rise to an overbearing visual impact on the outlook from Nos 69, 71, 73, 75 and 77 Ravenslea Road. This would cause further serious and unacceptable harm to the living conditions of neighbouring occupiers, adding further to the conflicts with Policy DMS1c.

Privacy and overlooking

50. The submitted floor plans and elevations appear to show several habitable room windows in the north-east facing elevation, on all three upper floors of the southernmost proposed building. Windows in this main elevation would be likely to overlook the gardens of Nos 69, 71, 73, 75 and 77 Ravenslea Road at close range. Whilst the plans showing these particular details are illustrative, there is no other relevant evidence on this point. In particular, there is no evidence of any kind to suggest that the internal layout could be arranged so as to avoid the need for habitable rooms to have windows on this side of the building. In the absence of any such evidence, it is reasonable to suppose that such windows would be necessary, and the gardens in question would be heavily overlooked.
51. Although it has been suggested that privacy could be protected by means of screens, there is no evidence that this could be achieved in a way that would also be compatible with ensuring acceptable living conditions within the new building itself. Screening that left some habitable rooms in the new building without any reasonable outlook would be unlikely to be acceptable. Restricting windows to high level, or obscure glazing, would involve the same problems. The space available between the building and the boundary is too narrow to be able to rely on providing screening by way of either new or existing vegetation, and in any event this would not be effective at the upper levels. Without any evidence of a likely acceptable solution, these matters relating to privacy and overlooking could not properly be left to conditions or reserved matters.
52. In the absence of any clear evidence to the contrary, it seems to me that the proposed southern building would be likely to give rise to unavoidable overlooking of the five neighbouring properties that I have identified. This loss of privacy would cause further unacceptable harm to those occupiers' living conditions, adding again to the proposed scheme's conflicts with Policy DMS1c.

Conclusion regarding effects on neighbouring properties

53. For the reasons set out above, I conclude that the proposed development would have substantial adverse impacts on living conditions at a number of neighbouring properties. These impacts would be experienced by the occupiers in terms of a loss of both daylight and sunlight within dwellings, overshadowing of gardens, loss of outlook, and likely loss of privacy. All of the seven odd-numbered properties from No 65 to No 77 Ravenslea Road would be significantly affected in one or more of these ways. Four of these properties in

particular, Nos 69, 71, 73 and 75, would suffer serious impacts on each of these counts.

54. Individually, I have found the development's harmful effects on daylight, overshadowing, outlook and privacy each to be unacceptable in their own right. The effect on interior sunlight would add cumulatively to these harms. Overall, the impact would be to cause unacceptable harm, in one or more ways, to living conditions at each of the seven properties that I have identified.
55. In all cases, the element of the proposed development that would cause the unacceptable harm would be the 4-storey block which is proposed for the southernmost part of the appeal site. In every respect, this part of the scheme would be an unneighbourly addition to the neighbourhood. In all these matters, for the reasons that I have already identified, the proposed scheme is in clear conflict with Policy DMS1c of the Wandsworth DMP.

Employment protection area and related policies

56. Under Policy EI3 of the Wandsworth Employment and Industry Document (the EID), adopted December 2018, Jaggard Way is designated as an employment protection area. The policy permits redevelopment, including for mixed uses, but subject to various provisos. One of these is that there should be no net loss of office and industrial floorspace. Another is that the proposed new uses should be capable of being successfully combined together on the site, having regard to the further requirements of EID Policy EI5.
57. In the present case, the proposed scheme would include new commercial space for Class B1a, B1c and D2 uses, sufficient to replace the original floorspace of the units to be replaced, but not the additional floorspace that has been created subsequently by way of mezzanine additions. This is a matter to which my attention has been drawn in a significant number of the representations received.
58. I note the Council's doubts as to the quality of these later additions, but there is nothing in Policy EI3 that supports a selective approach along these lines. Given that the policy was adopted only recently, it seems likely that most of the mezzanine floors that exist now would have already been in existence at that time. There is no evidence that any of the floorspace is either unused or unusable. I can see no reason in policy terms as to why Policy EI3 should not apply equally to all of the existing floorspace. On this basis, it seems to me that the development now proposed does not fully accord with Policy EI3, or its aims, in terms of the quantity of replacement floorspace to be provided.
59. With regard to Policy EI5, I see no reason to doubt that the development would provide a good standard of internal accommodation for the proposed range of commercial uses. Externally however, as some respondents have pointed out, the provision for parking, loading and turning of vehicles would be very limited. Apart from the six disabled and car club spaces, only 13 general parking spaces are proposed in total, to be shared between both the commercial and residential elements. Whilst it is said that these would not be made available to employees or residents, the development would still have the potential to generate a significant amount of other traffic, including service vehicles, home deliveries, taxis and visitors. In addition, the single turning area would appear to allow for only one vehicle at a time. No provision is made for loading and unloading, and it seems likely that this would have to take place either within

that turning area, or on the access road. Even without such blockages, the section of the access road leading to the turning area appears too narrow for larger vehicles to pass comfortably. If more than one were present at the site, it is not clear how vehicles could exit the site without lengthy and potentially hazardous reversing manoeuvres.

60. In all these respects, based on the submitted layout, it is difficult to escape the conclusion that a development along these lines would result in the site being frequently congested, with vehicles either parked, waiting, or manoeuvring in areas not intended for those uses, and causing frustration, delay and danger to occupiers and other users. Although the submitted layout is illustrative, the fixed sizes and positions of the buildings appear to allow little or no room for alternatives. Overall, the evidence before me gives no basis for any confidence that the development would be capable of providing adequately for the needs of commercial occupiers, with regard to servicing, loading or parking. On this basis, it has not been demonstrated that the scheme could comply with Policy EI5, and this in turn reinforces my earlier conclusion that it would not accord with EI3.
61. In addition, it is also a requirement of Policy EI5 that redevelopment schemes should seek where possible to retain existing businesses, if they wish to remain, taking into account their particular requirements including lease terms, rent levels and space requirements. This is a further matter raised in a significant number of the representations before me, and on this basis it appears that many of the existing businesses at Jaggard Way are highly valued by the local community. I appreciate that commercial tenancy arrangements are primarily governed by other legislation. It is also not the role of planning to inhibit competition, or to restrict the ability of the property market to provide for the entry of new enterprises, even where that might be at the expense of displacing existing ones. But nonetheless, the terms of Policy EI5 do suggest the intention to afford a degree of protection to the businesses currently operating at the site. There is no clear evidence before me as to how this requirement has been taken into account. The lack of evidence on this point reinforces my earlier conclusions regarding the scheme's lack of accord with the relevant employment policies.
62. I conclude that the proposed development would fail to accord with EID Policies EI3 and EI5, with regard to the appeal site's status as a protected employment site, and with regard to the requirements for high-quality new and replacement business premises.

Effects on the area's character and appearance

63. Wandsworth Common lies mainly to the north of Nightingale Lane and to the west of the railway line. Although the proposed 4-storey blocks would be visible from some parts of the Common, they would be sufficiently distant from it not to have a significant effect on any important views. However, the Wandsworth Common Conservation Area (CA) also includes the northern section of Jaggard Way, and the locally listed Wandsworth Common Station. Both the CA and the Station are heritage assets. This part of the CA provides the approach and entrance to the appeal site, and would have close-range views to and from the proposed development. Although no development is proposed within the CA itself, the whole development would be within the setting of the CA and the locally listed building. Objections based on the

impacts on these heritage assets are raised in many of the representations before me.

64. In judging these matters, I have had regard to the submitted parameter plans and development principles. Based on these details, it seems to me that, in terms of its site coverage and plot ratio, the proposed development would be unusually intensive. Whilst the upper floors of the development would be separated into four distinct blocks, the linked ground floors of the first three blocks would make these blocks appear, from ground level, as one large structure, running approximately three-quarters of the site's length and covering more than half its width. The fourth, southern block would fill almost the whole of the space at that end of the site. The limited gaps and spaces between and around these new buildings would be almost entirely taken up with the access road and hard-surfaced areas. The few residual strips that would be available for landscaping would support no more than token planting. In view of the inadequacy of the space available for vehicular circulation, it seems doubtful whether much of this planting would survive.
65. Given that the proposal as submitted is only for outline permission, the task of designing a detailed scheme would be for the reserved matters stage, and I agree that it is not for me to pre-empt that process. But any such outline permission would be bound by the terms of the outline application, including the parameter plans and development principles. A permission based on these submitted details would therefore afford little or no scope for any further consideration of the sizes of the proposed buildings or the extent of the site coverage. To my mind, it follows that it would be unavoidable that the limited semi-public space in front of the new buildings would be narrow, congested, devoid of greenery, and over-powered by the buildings themselves. In these circumstances, the prospects of achieving an acceptable detailed scheme at the reserved matters stage would be remote, to say the least.
66. Consequently, on the evidence available, it seems to me that the proposed development would be likely to damage the settings of the CA and locally listed Station. In terms of NPPF paragraph 196, the nature of this harm would be 'less than substantial', but even so, in my judgement it would not be outweighed by the benefits of the proposed new housing, or by any other public benefits.
67. I conclude that the proposed development would fail to preserve or enhance the character or appearance of the CA and its setting, or the setting of Wandsworth Common Station, causing harm to the significance of these heritage assets. In this respect the scheme would fail to comply with DMP Policy DMS2, which seeks to sustain, conserve and enhance all aspects of the historic environment.

Conclusions

68. For the reasons set out above, I have found that the proposed development would cause unacceptable harm to the living conditions of neighbouring occupiers, in multiple ways, conflicting with Policy DMS1c of the adopted DMP. In addition, based on the evidence available, I have found conflict with Policies EI3 and EI5 of the adopted EID, due to the failure to meet the relevant requirements for protected employment sites, and for the provision of adequate facilities for new business premises. I also find that the development

would be likely to cause significant harm to the settings of the Wandsworth Common CA and locally listed Station building, contrary to Policy DMS2 of the DMP. The appeal proposal therefore clearly fails to accord with the development plan as a whole.

69. The scheme would provide 72 new dwellings, including 15 affordable, on previously developed and under-used land, in an urban location well served by public transport. It would also generate New Homes Bonus and CIL receipts for the local area. These, together with the commitments in the S.106 agreement on local employment and training, add some further modest weight in favour. But these considerations do not outweigh the conflicts that I have identified with the development plan.
70. The other obligations provided for in the S.106 agreement are necessary to mitigate the development's impact, and thus make the scheme acceptable in planning terms. These therefore weigh neutrally in the planning balance.
71. There is no evidence that any of the relevant policies are out of date or inconsistent with national policy. NPPF paragraph 11d is therefore not engaged. But even if it was, the harm that I have identified to living conditions, and to the protected employment area, and to the area's character and appearance, would significantly and demonstrably outweigh the scheme's benefits.
72. I have taken account of all the other matters raised, but none changes these conclusions. Overall, the conflict with the development plan is not outweighed by the combined weight of the other relevant material considerations.
73. The appeal must therefore be dismissed.

J Felgate

INSPECTOR