

THE GLASSMILL, 1, BATTERSEA BRIDGE ROAD, LONDON SW11 3BZ.

APPEAL REFERENCE: 6002127

OPENING STATEMENT FOR THE LONDON BOROUGH OF WANDSWORTH

1. The London Borough of Wandsworth, as local planning authority (“the LPA”), on 24 April 2025 refused planning permission for the Appellant’s proposal.
2. It did so for two reasons.
3. The second of those reasons concerned the absence of a completed planning obligation. This reason for refusal has been overcome by the agreement, as between the Appellant and the LPA, of a draft planning obligation, which delivers what the LPA considers to be necessary. The agreement of a draft planning obligation is without prejudice, plainly, to the LPA’s fundamental objection to the scheme on the grounds expressed through reason for refusal one.
4. The LPA’s concern, as expressed through reason for refusal one, is that the proposed development is simply too high and is of a scale which generates a sharp and discordant relationship to its surroundings and which harms, substantially, the character of its surroundings, both localised and over a wide distance.
5. This impact, we say, gives rise to a clear conflict with the development plan which is not outweighed by other material considerations.
6. For the avoidance of doubt, the LPA does not oppose the principle of redevelopment of the appeal site; it is the form of the redevelopment that is proposed that the LPA objects fundamentally to and opposes.

7. The LPA will address its concerns, as expressed through reasons for refusal one and the Inspector's first main issue, through the evidence to be given by Mr. Eley and Ms. Chambers.
8. As this stage, we make the following, short, points.
9. First, the LPA's local plan was adopted in July 2023. As is required of it by policy D9(A) and (B) of the London Plan 2021, the Local Plan defines at what height a building is considered to be a tall or mid-rise as well as defining locations where tall building and mid-rise buildings may be appropriate. The Local Plan identifies the appeal site as within a zone suitable for mid-rise buildings (zone MB-B2-02); a mid-rise building on the appeal site is identified as a building of six storeys (18 metres). The appeal site, notably, is not within any tall building zone; tall building zones TB-B2-03 and TB-B2-04 are located respectively to the west (beyond Battersea Bridge Road) and to the east of the appeal site. Within those two tall building zones, the appropriate height is 7-12 storeys (21-36 metres). The appeal site was excluded from both of those two tall building zones. The appeal proposal extends to 29 storeys (including its ground floor) with a rear block to the south of up to 11 storeys. As such, it is of a height which is well in excess of that which is appropriate for the mid-rise zone in which it is located, indeed it is over double what is appropriate within the two tall building zones to the west and east.
10. The recently adopted local plan was prepared in response to the Urban Design Study 2021 (CD5.16) ("the UDS"), prepared by Arup. The UDS informed the growth strategy of the Local Plan and formed part of the evidence base against which the soundness of what was to become the 2023 Local Plan was examined. It appears to be accepted by all participants to this inquiry that the UDS is a material consideration in the determination of this appeal, as plainly it is. The UDS sets out the justification for the height range for tall and mid-rise buildings. The UDS also sets out the justification for the identification of tall and mid-rise building zones, including those comprising and in the vicinity of the appeal site. The Inspectors who examined the soundness of the submitted draft of the now adopted Local Plan found the UDS to be a "proportionate and robust response to identifying tall buildings ..." (CD6.11 par.112). The Appellant too seems to accept that the UDS is a robust and reliable document, as indeed it is. It provides a clear and compelling

justification for the identification of the appeal site as appropriate for a mid-rise but not a tall building zone. The Appellant's attempts to secure a change to the zoning of the appeal site and to the local plan parameters for future development of the site through the local plan examination process did not succeed.

11. The appeal proposal is for a very tall building, but the appeal site is located outside any tall building zone. The proposal exceeds materially (indeed fivefold) the height appropriate for a mid-rise zone, in which it is located. The proposed development gives rise to a conflict with policies D9 of the London Plan 2021 and LP4 and PM9 of the Local Plan in these respects at least.
12. However, the LPA's case goes further. The height and scale of the proposed development give rise to townscape and visual impacts that will be experienced over an extensive area and which, we say, generate substantial conflict with and harm to the spatial character to the areas of both Wandsworth and the Royal Borough of Kensington and Chelsea in which these impacts will be experienced. These impacts, which are identified and explained in detail in Mr. Eley's evidence, give rise to a conflict with range of considerations identified in D9 and LP4, leading, we say, to a clear and substantial conflict with the parts of both policies as a whole.
13. We will not in this short opening statement rehearse Mr. Eley's assessment. We do however make the point that his concerns about the height and scale of the proposed building are reflected in the views of others, whose assessments deserved indeed command considerable weight. These include the Council's Design Review Panel, the GLA, the Royal Borough of Kensington and Chelsea and, in terms of impact on the historic environment, Historic England. It is notable that these consultees, including statutory consultees, are at one in terms of identifying appreciable levels of harm that arise from in particular the height of the proposed building.
14. Unsurprisingly given the appeal site is within inner London, it forms part of the setting of a range of heritage assets, including some of the highest sensitivity, located both on the north and the south sides of the River Thames. The LPA has identified harm to the significance of a range of designated heritage assets as a consequence of the proposed development. If accepted by the Inspector, this

harm should form part of the planning balances. The LPA has however made clear that the public benefits of the scheme are such that the heritage harm is outweighed, and the LPA does not seek dismissal of the appeal on the ground of harm to heritage assets. The LPA however most certainly does seek dismissal of the appeal on the basis of substantial harm to spatial character.

15. If, as the LPA contends, conflict with policies D9 of the London Plan 2021 and policies PM9 and LP4 of the Local Plan arise so as to give rise to a conflict with the development plan as a whole, then the appeal should be refused unless material considerations justify a different outcome.
16. In terms of the NPPF, it is common ground now that the LPA is not in deficit in terms of housing supply, nor has it been found to have failed the delivery test. The tilted balance provided for within para.11(d) is not engaged. The NPPF (2024) requires the new development adds to the quality of the area in which it is located, is visually attractive as a result of good architecture and is sympathetic to local character and history, including the surrounding (built) environment and landscape setting (NPPF para.135). By reason of excessive height and scale, this development is very far off meeting what is required by para.135 and indeed other design-related policies of the NPPF (see e.g. paras.131 and 139). The NPPF does of course seek effective use of land, including brownfield land within settlements, not least through NPPF para.125(c). However, here, we say the support for such development is displaced by the substantial harm to spatial character that would arise.
17. The appeal proposal delivers benefits, including through the delivery of new homes and public realm improvements, and these and other identified benefits must be attributed weight. The extent of weight to be attributed to the quantum and tenure of the affordable housing offer which, on its face, exceeds policy requirements, will be explored in evidence. The LPA's case is that on the required balance, these benefits taken as a whole do not justify the harm caused or outweigh the statutory presumption arising from development plan conflict.
18. Planning permission should be refused and the appeal dismissed.

DOUGLAS EDWARDS KC

FTB Chambers, Temple, London.

17 March 2026.