
Appeal Decision

Site visit made on 1 February 2017

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 9 February 2017

Appeal Ref: APP/T5720/D/16/3162180

9 Oldfield Road, Wimbledon SW19 4SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Cook against the decision of the Council of the London Borough of Merton.
 - The application Ref 16/P3099, dated 27 July 2016, was refused by notice dated 22 September 2016.
 - The development proposed is the extension of an existing single dwelling house at rear and first floors and an addition of a porch at the front.
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Decision

1. The appeal is dismissed insofar as it relates to the extension of existing single dwelling house at rear ground and first floors.
2. The appeal is allowed insofar as it relates to the addition of a front porch at the front and planning permission is granted for the addition of a front porch at the front at 9 Oldfield Road, Wimbledon SW19 4SD in accordance with the terms of the application, Ref 16/P3099, dated 27 July 2016 and subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. So far as relevant to that part of the development hereby permitted, the development hereby permitted shall be carried out in accordance with the following approved plans: 1514-001; 1514-010; 1514-012; 1514-013; 1514-014; 1514-015; 1514-016 and 1514-017.
 3. The materials to be used in the construction of the external surfaces of the porch hereby permitted shall match those used in the existing porch at 10 Oldfield Road.

Main Issues

3. It is considered that the main issues are (a) whether the proposed development would preserve or enhance the character or appearance of the West Wimbledon Conservation Area and (b) the effects of the proposed development on the living conditions of the occupiers of the neighbouring properties.
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Reasons

Character and Appearance

4. The appeal property is a 2-storey terraced dwelling situated within the extensive West Wimbledon Conservation Area where there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. This duty is echoed in Policy CS14 of the Merton Core Strategy (CS). The Conservation Area has a predominantly residential character comprising buildings of a wide variety of designs and styles located within a generally verdant setting. There are some commercial and educational buildings and open space within the Conservation Area.
5. An extract from the *West Wimbledon Conservation Area Character Assessment* concerning the sub-area within which the property is located has been provided. The character of this sub-area is described as possessing an intimate scale of narrow roads and simple compact terraces and a series of intimate spaces. Although, as claimed by the appellant, it may have been incrementally erected, the terrace within which the property is located is a locally listed heritage asset of two storey brick dwellings with slate roofs and sash windows. The frontage of the terrace is largely unaltered except for a variety of modest sized front porches.
6. The proposed development includes the erection of a porch which would be of a similar design to the adjacent porch. When viewed from Oldfield Road, the simple design and modest scale of this element of the appeal scheme would not materially detract from the character and appearance of the property's or terrace's frontage. There would be a neutral effect on the character and appearance of the Conservation Area and, as such, this element of the appeal scheme would not conflict with CS Policy CS14. Further, the design of the proposed porch would not conflict with Policies DM D2 and DM D3 of the Merton Sites and Policies Plan and Policies Maps (LP) which, amongst other matters, require development to be of a high quality of design and for extensions to respect and complement the form, scale and detailing of the original building.
7. To the rear the continuity of the terrace has been disrupted by minor variations in depth and siting of the dwellings and by single storey extensions which encroach into the modest sized gardens. There are a limited number of first floor additions some of which can be seen from Grosvenor Hill across a private car park. By reason of design, these additions are generally awkward extensions to the predominantly simple character of the unaltered terrace at first floor and roof levels. These additions do not justify further unsympathetic schemes that would cause unacceptable harm to the character and appearance of either the terrace or the Conservation Area.
8. Planning permission has already been granted for a single storey floor rear addition to the property which is in the process of being erected. The proposed development includes a full width first floor extension sited above the single storey addition which would possess a gabled roof form and project about 2 metres from the rear elevation. Within the proposed rear elevation at first floor level would be a large window. The overall height of the extension would be the same as the property's rear roof.

9. The appellant has identified that materials to match the existing property would be used to erect the proposed rear extension. However, the size, design and form of the first floor element of the proposed extension would dominate the roofslope and the rear elevation of the property. By reason of siting and design, this element of the appeal scheme would appear to be at odds with the character of the property and the immediate neighbouring dwellings within the terrace, particularly at roof level. The bulk and the projecting gable form of the proposed roof would also be out of keeping with the simple design of the existing roofslope. Further, the size of the proposed opening would fail to reflect the modest fenestration of the other dwellings at first floor level irrespective of the difference of opinion as to whether these windows are of Georgian design.
10. Although views are restricted, the proposed first floor extension would be visible from Grosvenor Hill across the private car park and it would detract from the simple form and appearance of the terrace above ground floor level which is a non-designated heritage asset. The appellant's reference to a previous cat-slide roof at No. 7 has been noted but this, and the design of additions, does not alter the assessment made of this appeal scheme. Accordingly, the proposed development would fail to preserve the character or appearance of the Conservation Area.
11. However, the harm to this designated heritage asset would be less than substantial and, in accordance with the requirements of the National Planning Policy Framework, there is a need to weigh this against the public benefits of the proposed extension. The appellant claims that the extension is needed to improve the level of accommodation of a modest sized property to accord with modern space standards and to enable a layout which could include a bathroom at first floor level. However, the property already has permission to be extended to improve the level of accommodation. Whilst a first floor bathroom may be desirable it is not essential and does not mean the property, as approved to be extended, would reasonably be regarded as being poor housing. The benefits which are claimed by the appellant are limited and would not significant or demonstrably outweigh the harm caused by the proposed first floor extension to this designated heritage asset.
12. The 2 elements of the appeal scheme are both physically and functionally independent and it would be appropriate for a different conclusion to be reached in respect of each under this main issue. It is therefore concluded that the proposed porch would preserve the character and appearance of the West Wimbledon Conservation Area and, as such, it would not conflict with CS Policy CS14 and LP Policies DM D2 and DM D3. It is further concluded that the proposed rear extension, in particular at first floor level, would fail to preserve the character and appearance of the West Wimbledon Conservation Area and, as such, it would conflict with CS Policy CS14 and LP Policies DM D2 and DM D3. Subject to considerations under the second main issue it may be appropriate to issue a split decision in this case.

Living Conditions

13. The Council does not claim that the proposed porch adversely affects the living conditions of the occupiers of neighbouring properties. There are no reasons for me to disagree with the Council.

14. Although there are first floor windows either side of the property within the rear elevations of 8 and 10 Oldfield Road, the depth and siting of the proposed extension's first floor element would not result in unacceptable reductions in levels of daylight and sunlight reaching these windows. Further, for the same reasons, the outlook from these windows of non-habitable rooms would not be adversely affected and there would be no unacceptable sense of enclosure.
15. By reason of siting, there would be oblique views of the first floor of the proposed extension from the external areas of other dwellings within the terrace. However, the occupiers of these neighbouring properties would not perceive the scale and siting of this element of the appeal scheme to be visually intrusive or overbearing. The scale of the proposed extension above ground floor level would be seen from the rear windows and gardens of 11 and 12 Grosvenor Hill. However, there would remain a setback between the proposed extension and the shared boundary which would avoid this element of the appeal scheme being perceived as being either a visually intrusive or an overbearing form of development which would result in an unacceptable sense of enclosure.
16. The occupiers of the dwellings fronting Grosvenor Hill have expressed concerns about overlooking and loss of privacy. Although the proposed first floor rear window would be closer to the shared boundary the difference in the outlook from the current opening would not be materially different so as to amount to an unacceptable loss of privacy being caused to the occupiers of Nos. 11 and 12 by reason of overlooking.
17. On this main issue it is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties and, as such, it would not conflict with LP Policies DM D2 and DM D3 which, amongst other matters, refers to development ensuring appropriate levels of sunlight and daylight for adjoining buildings and gardens and not being visually intrusive. This policy is consistent with the Framework's core principle of securing a good standard of amenity for all existing and future occupants of land and buildings. No specific conflict has been identified with CS Policy CS14 as it does not include criteria directly related to the effect of development on the living conditions of the occupiers of neighbouring properties.

Conditions

18. The Council has suggested a number of conditions in the event that this appeal succeeds which have been assessed against the tests contained in the Framework and the National Planning Practice Guidance. So far as the suggested conditions relate to the proposed porch, for reasons of proper planning and the avoidance of doubt, it is necessary for this element of the appeal scheme to be constructed in accordance with the approved plans and in external materials which match the porch at 10 Oldfield Road as indicated on the drawings.

Conclusion

19. Although the proposed development would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties this matter is demonstrably outweighed by the significant harm which would be caused by the

failure of the proposed rear extension, particularly at first floor level, to preserve the character and appearance of the West Wimbledon Conservation Area. For these reasons, and taking into account all other matters, the appeal in respect of this element of the proposed development is dismissed. However, I have indicated a split decision could be issued in this case and it is concluded that the appeal specifically in respect of the proposed porch should be allowed.

D J Barnes

INSPECTOR