

Appeal Decision

Site visit made on 24 January 2017

by Martin H Seddon BSc DipTP MPhil MRTPI

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

Decision date: 09 March 2017

Appeal Ref: APP/T5720/D/16/3164736

7 Thornton Hill, Wimbledon, London, SW19 4HU

- 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 and Mrs Village against the decision of the Council of the London Borough of Merton.
 - The application Ref: 16/P3122 was refused by notice dated 14 September 2016.
 - The development proposed is: Amendment to 14/P3059 – provision of boundary wall and gate.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The boundary wall had been substantially completed prior to the application to the Council. However, the gate had not been installed.

Main Issue

3. Section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in determining development proposals, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The main issue in this appeal is the effect of the wall and proposed gate on the character and appearance of the street scene and Wimbledon West Conservation Area.

Reasons

4. No.7 Thornton Hill is an imposing three storey, double-fronted, mid-19th century house, previously having been converted into two properties. Wimbledon West Conservation Area covers a substantial, predominantly urban area. The character of development in the Conservation Area varies, as recognised in the Council's Character Assessment which identifies a series of sub-areas. The form and design of residential development served by Thornton Hill includes flats, detached and semi-detached houses of differing storey heights. The frontage treatment of the buildings also varies, with no particularly dominant style. Boundary hedges, trees and shrubs in front gardens contribute towards the appearance of the street scene. Published in 2004, the Character Assessment refers to the need for parking spaces having eroded the road's attractive character by the conversion of front gardens, and the growing need for security being increasingly evident through gates and railings.

5. The boundary wall that has been erected at the front of No.7 Thornton Hill is built in traditional pale yellow London Brick in imperial sizes with an aged appearance and appropriate detailing.
6. Planning approval ref: 14/P3059 is relevant. Condition 5 of that permission required details of all boundary walls and fences to be submitted to the local planning authority for approval in writing. The appellants submitted application (ref: 14/P4281) to discharge the planning conditions of permission ref: 14/P3059 including drawing ref: CSa/2405/100B and drawing ref: P-009 02. The Council approved the submitted details on 14 January 2015. The details included a yellow brick wall (530mm high) to the front of the building, 4 brick pillars with capping stones (1830mm high) and a gate.
7. Development was not carried out in accordance with the approved details. The appellants advise that the front wall has maximum dimensions of 2.5m high for the pillars and 2.19m high for the wall. The height of the wall varies from 2.19m to 1.71m. According to the appellants, this is to stagger the wall height and respond to the slope of Thornton Hill and neighbouring boundaries.
8. The Council has raised no objection to the proposal on highway grounds or in terms of loss of amenity for neighbours. I see no reason to disagree. The Council is concerned with the excessive area of brickwork in the wall and lack of a softer appearance rather than its height, although the two issues of height and extent are inter-related. The Council considers the frontage hedges such as that at No.12 Thornton Hill to have a much softer appearance than the wall at No.7. The appellants consider that the trees planted at the rear of the wall will have canopies visible above the top of the wall which will enhance the character and appearance of this part of the Conservation Area. Despite this, the extensive area of brickwork comprising the wall would be likely to remain as a dominant feature in the street scene.
9. The adjacent dwelling at No.5 Thornton Hill has a timber front boundary fence. The dwelling at No.9 Thornton Hill has a low brick wall with railings above. The wall that has been erected at No.7 has similarities in height with the fence at the frontage of No.5. However, there is a sharp contrast in height between the wall at No.7 and the frontage wall and railings of No.9. This contrast makes the wall at No.7 appear out of character and visually intrusive in the street scene. Although the wall is in scale with the massing of the building at No.7, it lacks railings and appears out of scale with the frontage boundary treatment at No.9.
10. The appellants advise that the Council has approved retaining walls and fencing to the side boundaries of the house with heights totalling 2.4m between No.7 and No.5 and 2.1m between No.7 and No.9. The appellants advise that the Council accepts that it is appropriate that the front wall ties in with the height of the neighbouring fences, based on the note of a meeting with the Council dated 12 October 2016. However, it is clear from that note that the Council officers put forward suggestions for lowering the height of the front wall. I consider that the approved height of the side boundary walls/fences, whilst designed to tie in, should not necessarily dictate that the frontage wall should be of a similar height.

11. I have found that the extensive area of brickwork would be likely to remain a dominant feature in the street scene and that the height of the wall would appear out of scale with the adjacent wall at No.9. For these reasons I consider that the development conflicts with Merton Core Strategy policy CS14 and Sites and Policies Plan (SPP) policy DMD4, which aim to conserve, and where appropriate, enhance Merton's heritage assets and distinctive character. It conflicts with SPP policy DMD2 which, amongst other things, expects proposals to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area.
12. Although the Council refers to SPP policy DMD3 in its reasons for refusal, that primarily relates to extensions and alterations to buildings. There is also conflict with London Plan policies 7.4 concerning local character, policy 7.6 regarding architecture and 7.8 in respect of heritage assets. I consider that the boundary wall and proposed gate fail in the statutory duty to conserve or enhance the character and appearance of the Wimbledon West Conservation Area. Having regard to paragraph 134 of the National Planning Policy Framework I find that there would be less than substantial harm to the significance of the Conservation Area as a designated heritage asset.
13. I realise that retaining the wall would entail some benefit. The wall is built in good quality materials and complements the scale and character of the house. The wall does provide benefit by screening views from Thornton Hill of the parking area for the dwelling and it would allow views of the house through the proposed gates. However, a wall would not necessarily have to be as high as that which has been built to reduce significantly the visual impact of vehicles parked within the curtilage of the dwelling. I find that the harm to the Conservation Area as a designated heritage asset would not be outweighed by the limited public benefits arising from the development. Hence the balance would be against retention of the wall and contrary to advice in the National Planning Policy Framework.

Other Matters

14. The appellants have referred to other forms of boundary treatment in the area. I note that, according to the Council, the nearest example of a front wall constructed at No.3B Thornton Road, appears to have been erected without permission, although I acknowledge the appellants' advice that the approved drawings indicate a wall 1.5m in height. At No.1 St Johns Road the Council considered that the proposed comprehensive refurbishment of the property together with replacement boundary treatment and planting would result in a positive improvement to the St John's Road/Thornton Road street scene and the Wimbledon West Conservation Area. The wall at No.6 St Johns Road was similar to a boundary wall at No.5 St Johns Road and replaced a 2m high fence.
15. Clearly the site circumstances for these examples and others cited in the design and access statement are not identical to those at the appeal site. I consider that the existence of these other walls in the Conservation Area is insufficient reason to justify allowing the appeal before me. Moreover, to allow the appeal could result in the Council having difficulty in resisting similar boundary walls in Thornton Hill and within the Conservation Area, with potential cumulative harm to its character and appearance.

Conclusion

16. All other matters raised have been taken into account, including works carried out to improve the appearance of the building. However, for the reasons given above the appeal is dismissed.

Martin H Seddon

INSPECTOR