
Appeal Decision

Site visit made on 25 April 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 12th May 2017

Appeal Ref: APP/T5720/D/17/3168507

22 Hartfield Crescent, Wimbledon, London SW19 3SD

- 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 Colin Sharp against the decision of the Council of the London Borough of Merton.
 - The application Ref 16/P3913, dated 6 October 2016, was refused by notice dated 1 December 2016.
 - The development proposed is demolition of existing double garage and erection of brick built double garage with mansard roof.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing double garage and erection of brick built double garage with mansard roof at 22 Hartfield Crescent, Wimbledon, London SW19 3SD in accordance with the terms of the application, Ref 16/P3913, dated 6 October 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2010-460-01 Rev C.
 - 3) No development shall take place until details of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
 - 4) Demolition or construction works shall take place only between 0800 to 1800 Monday to Friday and 0800 to 1300 on Saturday, and shall not take place at any time on Sundays or on Bank or Public Holidays.

Main Issues

2. The main issues are the effect on the living conditions of the occupiers of 20, 22 and 24 Hartfield Crescent with particular regard to visual impact, light, privacy, noise and disturbance, and the effect on the character and appearance of the surrounding area.
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Reasons

Living Conditions

3. The appeal site is located at the rear of No 22 Hartfield Crescent and contains a flat roofed double garage. The vehicular access to the garage is provided from Beulah Road, whilst pedestrian access is provided by two doors on the rear elevation of the garage. The appeal site is separated from No 22 by a close boarded fence. A pitched roof garage is located adjacent to the appeal site, to the rear of No 20, whilst a substantial office building is located to the rear of No 24. Properties on Hartfield Crescent are residential in use. Nos 22 and 20 have been subdivided into two flats, whilst No 24 is a single dwelling house. The properties have rear gardens and rear elevation windows which are orientated over their gardens towards the buildings beyond their rear garden boundaries.
4. The height of roof pitch of the proposal would reach approximately 3.9 metres, the near same height as the adjacent garage. The mansard roof arrangement, with its associated steep roof angle, would take the massing of the roof along the rear garden boundary of No 22. This would differ from roof of the adjacent garage where the shallower angle takes the massing away to the central roof pitch. I consider however that with the moderate height of the proposal, it would not have a significant harmful impact on the outlook from No 22, and nor would it be experienced by the occupiers as intrusive or overbearing either from within the property or from the rear garden.
5. The proposal would only be visible from the rear elevations of Nos 20 and 24 at an angle, in between the existing garage and the office building. With the positioning of proposal in relation to these properties and their gardens, together with the moderate height of the proposal, it would also not in my view represent a visually intrusive form of development to occupiers of these properties.
6. The moderate height of the proposal and with its orientation to the east of Nos 20, 22 and 24 would also mean that the living conditions of occupiers of these properties would not be unduly harmed by way of loss of light or overshadowing to their rear garden areas. The only proposed opening in the proposal towards the rear of these properties would be a door at ground floor level and existing boundary fences would prevent loss of privacy to these properties from use of the door.
7. In respect of potential noise and disturbance to the living conditions of adjoining properties during construction, this can be controlled through a planning condition to restrict the hours of work. I consider other potential impacts during construction would be modest, given the size of the building works and as they would be for a short time period only, and therefore would not cause significant harmful effects.
8. I also consider there would be no significant harmful effects in respect of all living condition matters on other properties on Hartfield Crescent, given their distance from the proposal.
9. I conclude the proposal would have no significant harmful effects on the living conditions of occupiers of adjacent properties. It would therefore comply with Policies DM D2 and DM D3 of the Merton Sites and Policies Plan (MSPP) (2014),

which require that the living conditions of existing residents are protected from development.

10. The Merton Residential Extensions, Alterations and Conversions Supplementary Planning Guidance (2001) (SPG) is dated and relates to the superseded Unitary Development Plan. Whilst I attach limited weight to the SPG and it contains limited relevant guidance, I conclude the proposal would comply with it as far as the SPG seeks to protect the living conditions of existing residents.

Character and Appearance

11. The proposal would only be visible in the street scene on Beulah Road. The mansard roof would differ in appearance from the pitched roof garage at the rear of No 20, although not significantly so with the similar heights and as both would present the appearance of garages. Beulah Road contains buildings of various designs that are also in view from the rear of properties on Hartfield Crescent, where they share boundaries. The character and appearance of Beulah Road is defined by this variety and lack of unifying qualities. As such, the proposal would not appear incongruous. With its moderate size, especially in relation to the adjacent office building, it would also not be prominent in the street scene.
12. I conclude the proposal would not have a significant harmful effect on the character and appearance of the surrounding area. It would therefore comply with Policy CS 14 of the Merton Core Planning Strategy (2011), and Policies DM D2 and DM D3 of the MSPP, which require development complements local character. I also conclude the proposal complies with the SPG as far it provides for design that respects local character.

Other Issues

13. In respect of highway safety, traffic generation and street parking issues, the proposal would simply replace the existing garage, utilise the same access and provide the same level of off street car parking. As the appeal site fronts onto Beulah Road, construction traffic would not be likely to utilise Hartfield Crescent for purposes of access or parking. I consider the development to be acceptable in relation to these matters. Whilst impact on drainage has been raised, no firm evidence has been put forward that it would not be feasible to adequately drain the proposal.
14. With the variety of forms of development on Beulah Road, the proposal would not set any precedent for future development which, in any case, would be determined on their own merits. I also consider the proposal would have no significant harmful effect on other uses on Beulah Road, including a children's nursery, with the proposal replacing the existing garage and the likely short term duration of construction works.
15. I acknowledge that potential effects on medical conditions have been raised, although no firm evidence has been put forward to enable me to consider this matter further. I also note comments made about a previous refusal of planning permission for a replacement garage on the appeal site, although I note this had a higher roof pitch and, in any case, I have determined the appeal based on the proposal before me. Effects on foundations and party walls are matters that are controlled by other authorities.

Conditions

16. I have imposed conditions necessary in the interests of certainty and for the avoidance of doubt, and to protect the living conditions of the occupiers of Nos 20, 22 and 24 Hartfield Crescent. I have also imposed a condition that safeguards the character and appearance of the area and, as such, require details of external facing materials to be submitted and agreed. As the proposal is a new building and not an extension, a condition cannot be imposed that materials match the existing building.

Conclusion

17. I conclude the appeal should be allowed.

Darren Hendley

INSPECTOR