

Appeal Decision

Site visit made on 6 June 2017

by Mrs J A Vyse DipTP DipPBM MRTPI

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

Decision date: 3rd July 2017

Appeal Ref: APP/T5720/W/17/3168380
50 Wimbledon Hill Road, London SW19 7PA

- 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 Andrew Scott Robertson against the decision of the Council of the London Borough of Merton.
 - The application No 16/P4420, dated 11 November 2016, was refused by a notice dated 24 January 2017.
 - The development proposed is a replacement shop front.
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Decision

1. For the reasons that follow, the appeal is dismissed.

Main Issue

2. This relates to whether the proposal would preserve or enhance the character or appearance of the Merton (Wimbledon Hill Road) Conservation Area.

Reasons for the Decision

3. The appeal premises, which lie within the extensive Wimbledon Hill Road Conservation Area, form an integral part of a long terrace (30 - 56 Wimbledon Hill Road) which dates from 1881. The terrace is four storeys high with the top floor accommodated within a mansard roof, and is divided architecturally into some 14 or so commercial units at ground floor level.
 4. As noted in the Wimbledon Hill Road Character Assessment (July 2006) although the road occupies a peripheral location within the town centre area, it comprises the most diverse and vibrant part of the Conservation Area. The terrace here has an overall architectural unity and coherence and is identified in the Assessment as making a positive contribution to the character and appearance of the Conservation Area, with the strong architectural sense of rhythm which is fostered by the elevation treatments and by the pilasters and corbels which define the individual shopfronts being part and parcel of its heritage significance. The Assessment identifies that unfortunately, many of these features have been eroded as a result of insensitive shopfront replacements. It goes on to set out recommended actions, including the need to secure shopfront restorations for the Wimbledon Hill Road terrace.
 5. The existing shop front at the appeal premises has a central entrance door that is recessed from the back of the footway with angled shop windows to either side, each above a low stallriser. Although the officer's report refers to the windows as being mullioned, they are in fact of plain glass, albeit with a row of smaller clear glazed panels along the top of each window above a horizontal
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transom (clerestory glazing). The shopfront is framed by a 'marble' clad surround which itself is set between fluted pilasters.

6. Although the officer's report refers to the existing shopfront as being original, the appellant confirms that it was installed some 15 years ago. Be that as it may, the current design, scale and detailing reflects elements of the Victorian character of the original building, including the presence of stall risers and cills, the absence of large expanses of glass and a recessed entrance door.
7. In contrast, whilst the pilasters would be retained, the shopfront proposed would have a clear-glazed entrance door off-set to the right-hand end of the frontage lying flush with the back of the pavement, with the remainder of the shop front comprising a large, single glazed sheet extending all the way down to street level. It would have none of the detailing and interest that currently characterises the existing shop frontage and would neither preserve nor enhance the character or appearance of the Conservation Area. As a consequence, there would be material harm to its heritage significance.
8. I recognise that other shop fronts within the terrace have been altered in an unsympathetic manner in the past. I note, however, that the Council is currently promoting the reintroduction of traditional shopfronts through its draft Shopfronts SPD and through various development plan policies. The Conservation Area Character Assessment also makes it clear that, as and when they arise, opportunities should be taken to secure shopfront restorations within the terrace.
9. The shopfront is a notable component of the terrace and, whilst in the parlance of the Framework, the harm I have identified would be less than substantial, there would still be real and serious harm which is a consideration of significant weight and, under the terms of the Framework, requires justification by way of public benefits.
10. The appellant suggests that the existing shop front is physically restricting as it reduces the internal floor space and that the frontage is quite narrow in comparison with adjoining neighbours. A single window display is preferred in this regard. In addition, I am advised that people with push chairs or those with mobility difficulties have to negotiate a small step up from the footway to access the threshold, necessitating the use of a mobile ramp at times.
11. The layout plans submitted show a good size front office, with numerous offices further to the rear and on the upper floors. I am not persuaded, in this regard, that the minimal amount of floorpace that would be gained by making the shopfront flush with the rear of the footway would present a material gain. Even if it did, it would not equate to a public benefit. Moreover, the shop front is no smaller than the majority of other single unit premises within the parade but again, even if it were, the alterations proposed would not amount to a public benefit.
12. I recognise that improving the existing slightly stepped access would be a public benefit of the scheme proposed and I am mindful of the need to have due regard to the PSED¹ as required by section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination and to advance

¹ Public Sector Equality Duty

equality of opportunity, although that is a duty to consider, rather than a duty to achieve any particular outcome.

13. In this instance, whilst the slight step onto the threshold may present difficulties for some in terms of access, there is no robust evidence before me to demonstrate that the arrangement proposed is the only way to improve accessibility. I see no reason, for instance, why it might not be possible to provide a slightly ramped rather than stepped threshold within the existing recess. I am not persuaded that there are no possible other less harmful ways of improving the existing access arrangement.
14. Drawing these thoughts together, I have found that the development proposed would result in harm to the character and appearance and heritage significance of the Conservation Area. That is a consideration to which I am required to afford significant weight. Even if there were no other alternatives to improving accessibility of the premises, the existing access arrangement is not so poor that the improvement that would be secured by the development proposed would outweigh the harm. In coming to that view, I have had regard to the requirements of the Equality Act and the PSED.
15. I find that there would be conflict with policy CS 14 of Merton's Core Strategy (July 2011) and policy DM D7 of the Council's Sites and Policies Plan (July 2014) which together and among other things seek to ensure that development responds appropriately to heritage assets and the wider historic environment in order to enhance local character and distinctiveness, with proposals for shopfronts required to enhance the street scene by retaining or restoring quality shop fronts where this would contribute to the established character of a parade, with original features and details to be preserved where they are of historic value or contribute to the character or appearance of the street scene. There would be conflict too with the Council's draft Shopfronts SPD which seeks to ensure that any shopfront proposals complement the façade of the existing building. Thus, for the reasons set out above, I conclude on balance that the appeal should not succeed.

Jennifer A Vyse
INSPECTOR