
Appeal Decision

Site visit made on 18 July 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 1st September 2017

Appeal Ref: APP/T5720/W/17/3170058

27A Leopold Road, Wimbledon Park, London SW19 7BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Steve Walker against the Council of the London Borough of Merton.
 - The application Ref 16/P2371 is dated 9 June 2016.
 - The development proposed is an extension at first floor level.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matter

2. The appellant's statement includes amended plans that were submitted to the Council for consideration during the determination of the planning application. The appellant confirms that revisions were submitted on 18 November 2016 (Design 2A) which set back the southern boundary by 750mm and a further revision was submitted on 12 December 2016 (Design 3A) which removed the first floor element and roof terrace for unit two. I have considered the scheme in the light of these plans.
3. Although there is no formal decision from the Council it has considered the proposal and indicated that had it been in a position to determine the application it would have refused permission. The Council is concerned that as a result of the design, height and siting of the proposed roof terrace it would be a visually intrusive form of development detrimental to the amenities of adjoining occupiers. I have taken this into account along with representations raised by third parties, particularly with regard to noise and disturbance.

Main Issues

4. Having regard to the above, I consider the main issues to be the effect of the development on the living conditions of adjoining residents with particular regard to outlook and noise and disturbance.

Reasons

5. The appeal property is a single storey building which was a former office that has recently been converted into two self-contained flats. The building is accessed via an underpass and is set back some distance from Leopold Road so that it is not readily visible from the wider street scene. The building does not

have any useable amenity space. The site is bounded by properties along Alexandra Road and Woodside which have their rear elevations and private garden areas immediately abutting the site.

6. The proposal would involve the creation of an additional storey of some 2.8 metres in height to the building which would result in a building with an overall height of some 5.8 metres. This would include a 1.7 metre high wall for the proposed roof terrace. Although the roof extension would be stepped to lessen its bulk, its overall scale would be to an appreciable extent which would increase the sense of enclosure felt by occupiers of surrounding properties, especially while in their gardens. The development would dominate the buildings and result in an overbearing development that would be visually intrusive and harmful to the outlook of adjoining occupiers to an unacceptable level. This would be particularly harmful to the adjoining occupiers at 97 to 100 Alexandra Road, 19 to 23 Leopold Road and 2 Woodside.
7. Furthermore, given the elevated position of the roof garden in relation to surrounding properties, its use by the occupiers of the flat, particularly during the summer months when the terrace might be used more frequently, would give rise to noise and disturbance to neighbouring properties. This would result in further loss to their living conditions.
8. I acknowledge that other concerns have been raised by adjoining occupiers which include overlooking and overshadowing. However, given the design of the extension with its highest element stepped back, I do not consider that the proposal would cause significant overshadowing. Moreover, no windows are proposed on the external elevations to create overlooking to adjoining properties or their gardens.
9. I conclude that the development would have an unacceptably harmful effect on the living conditions of adjoining occupiers. The proposal is therefore contrary to Policies DMD2 and DMD3 of the Merton Sites and Policies Plan (2014) and Policy CS14 of the Merton Core Strategy (2011) which seek, amongst other things, to ensure that proposals protect new development from visual intrusion so that the living conditions of existing occupiers are not unduly diminished.

Other Matters

10. I appreciate that the development would improve the internal living arrangements for the existing occupiers. However, this cannot be achieved without compromising the living conditions of surrounding occupiers. I also accept that, taken in isolation, the design itself is acceptable and would not have a detrimental impact on the character and appearance of the area. Although there is support for the principle of the development in this location neither this nor any other material consideration that has been advanced outweighs the harm and conflict with policy I have identified.

Conclusion

11. For the reasons given above, and having regard to the development plan when read as a whole, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR