



Appeal Decision

Site visit made on 14 November 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 7th December 2017

Appeal Ref: APP/T5720/W/17/3179927

6 Beltane Drive, Wimbledon Park, London, SW19 5JR

- 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 Craig Emerson against the decision of the Council of the London Borough of Merton.
 - The application Ref 17/P0955, dated 2 November 2015, was refused by notice dated 28 April 2017.
 - The development proposed is described as “demolition of an existing 2 storey 4 bedrooms house, and construction of a new 2 storey with basement 5 bedrooms house”.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of adjoining occupiers with regard to loss of outlook and privacy.

Reasons

3. The appeal site comprises an existing detached dwelling in a relatively spacious plot. At present, its north facing gable is in close proximity to the rear boundaries of Nos 40–46 Queensmere Avenue.
4. The proposed replacement dwelling would be significantly larger than the existing property. Its north-facing elevation would be almost double the width of the existing house, and the ridge height would also be taller. Whilst it would be a similar distance from the boundary, the proposed increase in width would have a significant impact on the rear garden areas of Nos 40–46 Queensmere Avenue. This would create a large overpowering flank wall in close proximity to the boundary that would dominate the rear gardens of these properties, and would have a harmful overbearing effect. It would also reduce the outlook from the rear part of the garden areas, which appear to be well used. The fact that the gardens to Nos 40–46 are fairly long does not alter my view in this regard. Moreover, the use of a hipped roof design would provide only limited mitigation, particularly given the increased ridge height.
5. The proposed northern elevation would also include a number of windows that would face out over the rear gardens of Nos 40–46 Queensmere Avenue. However, the ground floor windows in this elevation would be obscurely glazed

and would be largely concealed behind the boundary fence. The proposed first floor windows would also be obscurely glazed and would serve en-suite bathrooms. These windows would not result in any significant loss of privacy. Whilst the proposed rooflights would be clear glazed, they would be set above the internal first floor level and would not afford views over the rear of Nos 40–46. Any perception of overlooking from these windows would not be significant in my view given the angle of the roof slope.

6. My attention has been drawn to a previous approval on the site (ref 15/P4601), which was also for a large replacement dwelling. Given the appellant's clear intention to redevelop the site (the existing property is currently being demolished) I attach significant weight to this as a fallback position. However, that approval proposed a set back at first floor level that would have achieved a gap to the boundary of 4 metres. This would have a significantly less harmful effect on the rear gardens of Nos 40–46 Queensmere Avenue than the current proposal. It would also comply with guidance in the Council's New Residential Development Supplementary Planning Guidance (SPG) (1999), which requires a 4 metre separation between a new 2-storey flank wall and the boundary of an existing garden. Whilst the SPG was adopted some time ago, in this case, the failure to comply with its provisions would cause significant harm.
7. For the above reasons I conclude that the development would significantly harm the living conditions of adjoining occupiers with regard to loss of outlook. It would therefore be contrary to Policy 7.6 of the London Plan, Policy DM D2 of the Merton Sites and Policies Plan and Policies Maps (2014), and guidance contained in the New Residential Development SPG (1999). These policies and guidance seek to ensure, amongst other things, that new development does not cause unacceptable harm to the amenity of adjoining residential occupiers.

Other Matter

8. An Arboricultural Impact Assessment has been submitted in support of the proposal. This demonstrates that the development would not result in any significant harm to the root protection area of the oak tree situated in the garden to No 44. I further note that the Council has raised no objections in this regard.

Conclusion

9. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR