

Appeal Decision

Site visit made on 2 July 2019

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2019

Appeal Ref: APP/T5720/D/19/3226020

26 Toynbee Road, Wimbledon Chase, London SW20 8SS

- 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 Mrs Lisa Frame against the decision of the Council of the London Borough of Merton.
 - The application Ref 18/P3788, dated 8 October 2018, was refused by notice dated 18 February 2019.
 - The development proposed is a part single-storey part two-storey side and rear extension, rear dormer roof extension and front porch.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Lisa Frame against the Council of the London Borough of Merton. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property and the wider area, with particular reference to whether it would preserve or enhance the Dennis Park Crescent Conservation Area; and
 - the living conditions of occupiers of the neighbouring property at 24 Toynbee Road, with particular regard to daylight and outlook.

Reasons

Character and appearance

4. The appeal property is a two-storey semi-detached house on Toynbee Road. It is within the Dennis Park Crescent Conservation Area, and I therefore have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that Area. As heritage assets are irreplaceable, the National Planning Policy Framework (the Framework) states that they should be conserved in a manner appropriate to their significance (paragraph 184). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 194) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 196).

5. The Conservation Area covers part of a small residential estate developed in the early 1920s. Its significance derives from its spacious layout characterised by good-sized front and rear gardens, with generous planting and mature street trees. The gaps between properties allow glimpses of gardens and greenery behind, and this contributes to the verdant feel of the Area. Although the properties themselves are not of great architectural merit, many retain much of the uniformity of their original simple style. This adds to the Area's neat appearance and orderly character.
6. The proposed extension would be a substantial expansion at the rear of the appeal property. It would extend across the full width of the property at ground floor level and more than half the width at first floor level, as well as adding a large dormer. The new roof would have a lower ridge than the existing main roof. However, the depth and height of the rear extension and the size and siting of the dormer are such that from ground level at the rear it would not read as being subservient to the original property. It would be highly visible from the rear windows of numerous nearby properties and from neighbouring rear gardens. Because of its scale it would be incongruous in its setting and would harmfully alter the character and appearance of the dwelling. Its size would also reduce the sense of openness within rear gardens which is one of the defining characteristics of the Conservation Area.
7. At the side, the first floor extension would project to around 1 metre from the boundary with No 24. That setback from the boundary would preserve a gap sufficient to retain views from the street through to trees and roofs at the rear. The design of the roof of this part of the extension would mean that, when viewed from the street, it would appear subservient to and in keeping with the original property. The porch and front bay window could be accommodated without adversely affecting the appearance of the house. I therefore consider these elements of the proposal would be acceptable.
8. Overall however, the development would not preserve or enhance the character and appearance of the Conservation Area. The harm to the Conservation Area's significance as a designated heritage asset would be less than substantial. In line with the Framework's provisions, there are no public benefits arising from the proposal which would outweigh this harm.
9. I therefore conclude that the development would be harmful to the character and appearance of the host property and wider area, contrary to Policies 7.4 and 7.6 of the March 2016 London Plan (the London Plan), Policy CS14 of the July 2011 Merton Core Strategy, and Policies DMD2, DMD3 and DMD4 of the July 2014 Merton Sites and Policies Plan (the SPP). These policies taken together seek to ensure, among other things, that development conserves and enhances heritage assets, that development respects the scale, proportions, patterns and mass of surrounding buildings and spaces, and that extensions respect space between buildings where it contributes to the character of the area. For the same reasons, the proposal would also fail to accord with the provisions of the Framework which seek to protect and conserve heritage assets.
10. In reaching my decision, I have taken into account the 2015 appeal decision relating to a side and rear extension at 41 Toynbee Road¹. The Inspector then found that a reasonable sized gap would be retained between No 41 and its

¹ APP/T5720/D/15/3005449

neighbouring property, and that the proposal would respect the character and appearance of the host dwelling and street scene. My findings in respect of the side and front elements of the proposal in this case are consistent with that appeal decision. In respect of the rear of the property, the proposal now before me is for a significantly larger scale of development, and that earlier decision is therefore of little relevance to my assessment of the appeal proposal.

11. The appellant has also drawn attention to other developments in the surrounding area where planning permission has been granted for schemes incorporating one or more of the elements of the appeal proposal. Not all the examples cited lie within the Conservation Area, nor do I know the precise circumstances which led to their being approved. From the information provided, and from what I was able to see at the time of my site visit, I am not persuaded that any of the other schemes referred to is comparable in size and scale to the proposal in this case.

Living conditions

12. The extension would project some 3 metres beyond the current rear elevation of the appeal property, which is slightly set back from the rear elevation of No 24. The nearest habitable room windows at the rear of No 24 are some distance from the shared boundary. Because of this separation I am satisfied that the proposed development would not lead to any significant loss of outlook for occupiers of the rear rooms of No 24, nor would it lead to any harmful loss of daylight reaching those windows. I note in support of this finding that the '45-degree rule' is not breached in respect of the rear windows of No 24.
13. The extension to the appeal property would be large, and very visible from the garden of No 24 and other surrounding dwellings. However, the alignment of the neighbouring properties means that No 24 would retain its open aspect to the south east. Consequently I do not consider that the development would specifically lead to an unreasonable sense of enclosure in the garden of No 24.
14. Taking these points together, I find that the development would not have a significant adverse impact on the living conditions of the occupiers of No 24 arising from an unacceptable loss of daylight or outlook. In these regards it would comply with Policy 7.6 of the London Plan and Policy DMD2 of the SPP. These policies require that development should not cause unacceptable harm to neighbouring properties and their occupiers by visual intrusion or by reducing daylight to inappropriate levels.

Planning balance and conclusion

15. The proposed development would not cause unacceptable harm to the living conditions of occupiers of 24 Toynbee Road. However, this lack of harm does not diminish the significant harm which would be caused to the character and appearance of the host property and the Conservation Area. Overall, the proposal would conflict with the requirements of the development plan and the Framework. For this reason I conclude that the appeal should be dismissed.

M Cryan

Inspector