
Appeal Decision

Site visit made on 24 September 2019

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2019

Appeal Ref: APP/T5720/W/19/3233643

216B Haydons Road, South Wimbledon, London SW19 8TR

- 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 T Sheehan against the decision of the Council of the London Borough of Merton.
 - The application Ref 19/P1638, dated 24 April 2019, was refused by notice dated 17 June 2019.
 - The development proposed is conversion of roof space and erection of a rear roof extension with roof terrace.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the above heading is taken from the appeal form as it more accurately reflects the proposal.

Main Issues

3. The main issues are the effect of the proposed development on (i) the character and appearance of the host building and the area and (ii) the living conditions of the occupiers of 216A and 218 Haydons Road with particular regard to outlook, privacy and light.

Reasons

4. The appeal building is a two-storey end of terrace property that has been divided into two flats. At the rear is a two-storey outrigger with side facing mono-pitched roof. There is a single-storey projection below. The attached neighbour (no 218), has a single-story extension built up to the boundary between the properties; this has a single rooflight facing the appeal building. This property also has a window in the main rear elevation at first floor level and a window that faces the appeal site at the first-floor level of its rear outrigger.
5. The proposed loft conversion would include 3 front roof lights and a flat roof, L-shaped rear dormer with a return over the rear outrigger. A modest terrace area is also proposed at second floor level. Even though the proposed roof extension would be marginally set in and stepped down from both the eaves and the main ridgeline, its overall scale, height and depth would unacceptably

dominate the roofscape and the rear elevation of the host property. It would lack architectural subtlety in its boxlike design, resulting in excessive vertical walling that would lose the mono-pitch detail of the two-storey outrigger that is an otherwise consistent feature throughout the terrace. The addition of the terrace area, albeit framed by obscure glazed balustrade, would only increase the dominant effect of the proposal.

6. Notwithstanding the Council's assessment that the proposed development would not be visible from Haydons Road, it is possible to view the side elevation of the appeal building from across the street and when approaching the site from the south. Therefore, although the effect would be localised in terms of views from the street, the appeal proposal would nevertheless diminish the character and appearance of the host building, with consequent harm to the character and appearance of the area. This would not be mitigated by the use of matching materials or by the diversity of architectural styles to be found within the vicinity of the site.
7. Whether or not the adjoining neighbouring property no 218 is occupied as flats or as a single dwelling, and despite some uncertainty in respect of the type of room being served by the windows at its rear, the position of the proposed development relative to the path of the sun, together with its height and bulk in relation to these openings, would significantly diminish the amount of daylight that property receives. This would be harmful to the living conditions of the occupiers of that building. In addition, due to the combined depth and height of the proposal and its proximity to the windows at the rear of no 218, it would be overbearing and result in restricted outlook.
8. Further, the increase in height of the built form above the existing outrigger would, as a result of the creation of additional overshadowing of their rear facing window, result in unacceptable loss of light to the occupiers of the ground floor flat of the appeal building (no 216A).
9. Concern has been raised that the proposed development would result in unacceptable loss of privacy to the occupiers of no 218 due to increased overlooking of their private garden area. However, views from the proposed terrace area would be restricted by the obscure glazed balustrade and the level of overlooking generated by the introduction of the proposed dormer window, in the context of an existing significant level of overlooking between properties, would not be so significant as to be harmful to the occupiers of no 218.
10. The appellant has drawn my attention to other developments within the vicinity of the appeal site which they consider offer support to the acceptability of the appeal scheme. However, from the details provided, it is clear that these developments do not represent direct parallels to the appeal proposal. In any case, I have considered this appeal on its own merits and concluded that it would cause harm for the reasons set out above.
11. The appellant considers that the proposed development is of a type that would be permitted development if the appeal building was a single dwelling rather than flats. The Council disagree and state that the proposal exceeds permitted development allowances. However, it does not fall to me in the determination of this appeal under section 78 of the Town and Country Planning Act 1990 to clarify this matter and nor does it negate the harm that I have found.

12. Whilst I have not found harm in terms of privacy, I have found that the proposal would unacceptably harm the character and appearance of the host property and area and the living conditions of the occupiers of nos 216A and 218 Haydons Road with regard to outlook and light. Thus, it would conflict with Policies DM D2 and DM D3 of the Merton Sites and Policies Plan 2014, CS14 of the London Borough of Merton LDF Core Planning Strategy 2011 and 7.4 and 7.6 of the London Plan 2016. Together these policies require high quality design and protection of residential amenity.

Conclusion

13. For the reasons given above the appeal is dismissed.

S Tudhope

Inspector