The Planning Inspectorate

Appeal Decision

Site visit made on 21 January 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2020

Appeal Ref: APP/T5720/W/19/3239936
Flat 1, 237 Kingston Road, Wimbledon, London SW19 3NW

- 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 Richard Page against the decision of the Council of the London Borough of Merton.
- The application Ref 19/P1462, dated 9 April 2019, was refused by notice dated 4 September 2019.
- The development proposed is a single storey extension to the rear of an existing Victorian 3.5 storey building.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:

    - the character and appearance of the host building; and
    - the living conditions of the neighbouring occupiers at Flat 2, 237 Kingston Road, with particular reference to outlook.

Reasons

Character and appearance

3. The appeal property is a ground floor flat, in a 3.5 storey semi-detached Victorian dwelling on Kingston Road. The appeal site includes a private rear garden area which is solely for the use of Flat 1. The site is within a predominately residential area with similar properties around it. The ground floor property is partially subterranean to the surrounding garden and nearby properties.

4. The appeal site is within the John Innes – Wilton Crescent Conservation Area (CA). Whilst the Council do not specifically refer to the impact on the CA within the reason for refusal, I have a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, that requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. The significance of the CA is principally derived from the quality of the traditional buildings and the architectural features and materials of these buildings, and the relationship of the buildings to one another.

5. The proposed extension would be wider than the host building by approximately 1 metre. Whilst I note that the appellant has incorporated details of the fenestration into the proposal, there is not complete symmetry with the floors above. Due to the overall size and bulk of the proposal it would detract from the character of the host building and would not appear subservient to the host building. Consequently, it would appear as an incongruous feature on the rear elevation and would be out of character with the host building. Given the location of the proposal at the rear of the property it would not be readily visible in public views from Kingston Road and the impact on the street scene would be limited. However, it would be clearly visible in a number of private views from the surrounding properties and their respective gardens.

6. I note there have been a number of previous applications and an appeal[1] on the site and that the appellant has sought to amend and redesign the previous proposal to be more in-keeping with the existing building. The appellant has also highlighted a number of examples of extensions in the area. However, as I do not have full details of their planning status or what may have led to their approval, I am unable to make a meaningful comparative assessment of these examples, as I do not have substantive details about them before me. In any case, I have determined the appeal on its own planning merits and context.

7. The proposal would harm the character and appearance of the host building. Therefore, it would be contrary to policies DMD2 and DMD3 of the Sites and Policies Plan (SPP) (2014). These policies, amongst other things, seek proposals to achieve high quality design and to respect the design and form of the original building. Although I have found that the proposal would harm the character and appearance of the host building, I consider that the effect of the proposal on the CA would be similar to the previous appeal on the site. Therefore, I consider that it would not harm the overall character or appearance of the CA.

Living Conditions

8. The proposed extension would project from the rear wall of the host building into the appellant's rear garden. As with the previous scheme the extension would sit just below the window to Flat 2 of the property. The roof of the extension would be visible from this bay window, which would be covered with artificial grass, as well as the remaining garden beyond.

9. Whilst the proposal would increase the height and depth of the extension proposed in the previous scheme, the majority of the outlook from Flat 2 would remain unaffected and the artificial grass would soften the views from the window above. As such it would not cause unacceptable harm in respect of living conditions. My findings are consistent with the previous appeal in this regard.

10. The proposal would not harm the living conditions of the neighbouring occupiers at Flat 2, 237 Kingston Road, with particular reference to outlook. Therefore, it would accord with policies DMD2 and DMD3 of the SPP. These policies, amongst other things, seek to protect the living conditions of existing and future occupiers.

[1] APP/T5720/W/18/3209161 – Dismissed 27 March 2019

Other Matters

11. I note there are a number of other concerns raised by interested parties. However, as I have already identified harm in relation to the character and appearance, which is sufficient to dismiss the appeal, it is not necessary to examine these other concerns in further detail.

12. I acknowledge that the appellant has stated that the site is in a sustainable location, being in close proximity to a tube station, rail station and a number of bus stops all within walking distance of the site. As well as there being a number of parks and open spaces within walking distance, providing opportunities for outdoor play and leisure. However, these factors cannot overcome the harm that I have identified above.

Conclusion

13. Whilst the proposed extension would not harm the living conditions of the occupiers of Flat 2, the effect of the proposal on the character and appearance of the host building would be harmful for the reasons I have given above. Consequently, I conclude that the appeal is dismissed.

D Peppitt

INSPECTOR