



Appeal Decision

Site visit made on 10 March 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2020

Appeal Ref: APP/T5720/W/19/3241962

111 Home Park Road, Wimbledon Park, London SW19 7HT

- 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 K Altenburg against the Council of the London Borough of Merton.
 - The application Ref 19/P3310, is dated 10 September 2019.
 - The development proposed is demolition of the existing property and replacement with a two storey single family dwelling with basement and accommodation within the roof space, together with associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing property and replacement with a two storey single family dwelling with basement and accommodation within the roof space, together with associated works at 111 Home Park Road, Wimbledon Park, London SW19 7HT in accordance with the terms of the application, Ref 19/P3310, dated 10 September 2019, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The Council has given no indication of what decision it would have made had the appeal not been lodged. In the absence of any apparent dispute between the main parties or substantive objections from third parties, the only issue that I am required to consider in this case is the statutory duty¹ to preserve or enhance the character or appearance of the Wimbledon North Conservation Area and the desirability of preserving the setting of the Grade II* Wimbledon Park.

Main Issue

3. I consider the main issue to be whether or not the proposed development would preserve or enhance the character or appearance of the Wimbledon North Conservation Area, and the setting of the Grade II* Wimbledon Park.

Reasons

4. The site lies within the Wimbledon Park sub area of the larger Wimbledon North Conservation Area. This sub area includes the Grade II* registered Wimbledon

¹ Planning (Listed Buildings and Conservation Areas) Act 1990 Sections 66(1) and 72(1).

Park and most of the adjacent houses and gardens within Home Park Road, which occupy what was formerly parkland. The Wimbledon North Conservation Area Character Assessment describes the predominant character of the Conservation Area as *'that of a spacious and verdant residential suburb of the 19th Century and later, including two examples of 20th Century estate development, wrapped around one of London's oldest hilltop villages.'*

5. Home Park Road is one of the examples of early estate development and contributes to the qualities of this part of the Conservation Area. Its significance lies in the substantial detached houses in generous plots fronting the road and looking out over the Park, with wooded gardens rising to the rear. The buildings exhibit a range of different styles but are typically of a high standard of design and finish with good quality detailing. The front gardens are large enough to accommodate occasional mature trees together with hedging and other greenery. The spacious settings provide an appropriate transition from parkland to built development.
6. The replacement of existing houses with new ones has been taking place in an incremental fashion in Home Park Road, but with a quality of design and finish that has preserved, and in some cases enhanced the character and appearance of the Conservation Area. More recent development, at least at the south-western end of the road, has favoured more formal, symmetrical designs in the Queen Anne style rather than the Arts and Crafts styles of many of the original houses.
7. The appeal property is one of the more modest sized houses in the road. Originally designed with Arts and Crafts features, these have mostly been lost through subsequent extension and alterations to the building. Its appearance could best be described as unremarkable, and while not harmful to the character or appearance of the Conservation Area it does not exhibit the quality of design or detailing seen in many of the other houses in the road. Because it is not a particularly good example of the type of house that characterises this part of the Conservation Area, its loss would not cause harm so long as it is replaced by a building of the same or better quality.
8. The replacement building would be of a similar width to the existing house and would maintain adequate space to either side to give visual separation between buildings and allow glimpses of the garden beyond. It would follow a similar building line to its neighbours both at the front and rear, and the mature Oak tree in the front garden would be retained. In terms of its size, massing and position, it would conform to the layout of other buildings along the road and maintain the significant features of the Conservation Area.
9. The development would have a large basement, but this would be wholly below ground level and primarily accessed and lit from the rear, other than for two small light wells at the front. It would not be readily visible from public vantage points in the Conservation Area and would have a neutral effect on its character and appearance.
10. The proposed building would be designed in a formal style with two storey bay windows either side of a formal pedimented entrance giving a double fronted, symmetrical front elevation. The pitched roof around a central flat area would be partly screened by a decorative parapet and would contain dormers proportionate in size to the roof plane. It would be flanked on either side by tall chimneys.

11. Although the more formal appearance of the proposed building would differ from that of the existing building, there are other examples of symmetrically designed houses in the Conservation Area, including the adjacent property at 113 Home Park Road and one under construction at 109 Home Park Road. The proposed building has been carefully designed and would incorporate features and details that would create a visually interesting, good quality building that respects its setting and the appearance of the wider area. The appearance of the replacement building would in many respects be an improvement over that of the existing house.
12. Having regard to the reasoning above, I consider that the development would preserve and enhance the character and appearance of the Wimbledon North Conservation Area and the setting of the Grade II* registered Wimbledon Park and would comply with policy CS14 of the Merton Core Strategy 2011, policies DM D1 and DM D2 of Merton's Sites and Policies Plan 2014, and supplementary planning guidance contained in the Wimbledon North Conservation Area Character Assessment, all of which promote high quality design, particularly in areas conserved for their historic interest.
13. For the same reasons, I consider the development would satisfactorily meet the statutory tests to preserve or enhance the character or appearance of the Wimbledon North Conservation Area and the setting of the Grade II* registered Wimbledon Park.

Conditions

14. Paragraph 55 of the National Planning Policy Framework 2019 advises that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have taken account of this advice in considering the conditions recommended by the Council.
15. The conditions imposed in the schedule cover most of the purposes of the conditions suggested by the Council but where possible have been combined for simplicity, reworded to improve clarity, and modified to take account of the basement, drainage, tree protection and construction traffic management reports already submitted by the appellant. I have added a condition to avoid demolition of the existing building without it being replaced. I have also reordered the conditions into pre-commencement, pre-occupancy, and post occupancy conditions in accordance with the advice in Planning Practice Guidance. Pre-commencement conditions have been shared with both main parties.
16. In addition to the standard time limit condition I have included a condition listing the approved plans to provide certainty on the development permitted. The condition to avoid demolition of the existing building in the Conservation Area until there is reasonable certainty that the permitted dwelling will be constructed is necessary to prevent harm to the Conservation Area. Conditions relating to materials and hard and soft landscaping are required to protect the character and appearance of the Conservation Area. A condition relating to finished ground level is required to ensure the development is built as permitted to avoid harm to neighbouring amenities and the appearance of the area. A condition to ensure a sustainable surface water drainage system is installed as part of the scheme is required to reduce the potential for flooding. A condition to protect retained trees during construction is required in the

interests of the character and appearance of the Conservation Area. Conditions controlling the hours of construction activity, construction related traffic and construction of the basement are required in the interests of highway safety and for the protection of the amenities of neighbouring residents during the construction phase. A condition restricting use of the flat roof area is needed to protect the amenities of neighbouring residents.

17. The Council has recommended conditions to restrict domestic permitted development rights for extension, enlargement or other alteration, and the insertion of windows, doors or other openings. The National Planning Policy Framework advises that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. I see no clear justification in this case and therefore have not imposed them.
18. The Council has also recommended a condition relating to water efficiency. No justification has been given for the condition and it is not clear what it is requiring the developer to do. For those reasons it fails the tests of enforceability and precision as required by the National Planning Policy Framework and I shall refrain from imposing it.
19. Reference has been made to energy efficiency by the Wimbledon Society but the Council has not suggested imposing such a condition, and I do not have sufficient justification for doing so in this case.

Conclusion

20. For the reasons set out above, I conclude that the appeal should be allowed and planning permission be granted.

Guy Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1903.EX.01, 1903.EX.02, 1903.EX.05, 1903.EX.06, 1903.EX.07, 1903.EX.10, 1903.EX.11, 1903.EX.12, 1903.EX.13, 1903.EX.15, 103.EX.16 Rev A, 1903.PR.03 Rev B, 1903.PR.04 Rev C, 1903.PR.05 Rev E, 1903.PR.06 Rev E, 1903.PR.07 Rev E, 1903.PR.08 Rev C, 1903.PR.10 Rev C, 1903.PR.11 Rev B, 1903.PR.12 Rev A, 1903.PR.13 Rev B, 1903.PR.14, 1903.PR.15 Rev A, 1903.PR.16 Rev A, 1903.PR.17 Rev A, 1903.PR.18, 1903.PR.19, 1903.PR.20, 1903.PR.21, 1903.PR.22.
- 3) No demolition shall take place until arrangements have been put in place to secure the implementation of the development approved under this permission and details of these arrangements have been submitted to and approved in writing by the local planning authority. The arrangements shall include details of the timescale for carrying out the redevelopment approved under this permission.

- 4) No development shall commence until details or samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details or samples.
- 5) No development shall commence until full details of the finished level, above ordnance datum, of the ground floor of the proposed building in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 6) The building hereby permitted shall not be occupied until the sustainable drainage system for the site has been completed in accordance with the details contained in the SuDSSmart Pro Report 71998R1 dated 10 September 2019. The sustainable drainage system shall thereafter be retained and maintained in working order.
- 7) The building hereby permitted shall not be occupied until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include paved surfaces, boundary treatments, refuse and recycling storage, and cycle storage. The landscape works shall be carried out in accordance with the approved details and an agreed implementation programme. All approved details shall be retained thereafter, and any planting that dies within a period of five years from occupation shall be replaced with the same species of a similar size.
- 8) No development shall commence, including demolition, until the tree protection measures set out in the Arboricultural Report ha/alams1/19/111hpr dated 4 September 2019 have been implemented, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
- 9) Demolition or construction works shall take place only between 0800 and 1800 on Mondays to Fridays, and 0800 and 1300 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 10) The flat roof area of the building hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
- 11) The Construction Traffic Management Plan CTMP/111HPR v3 dated 24 July 2019 shall be adhered to throughout the construction period for the development.
- 12) The development shall be carried out in accordance with the Construction Method Statement as set out in the Basement Impact Assessment 1909001/TT/1 dated 5 September 2019.

*****End of Conditions*****