
Appeal Decision

Site visit made on 16 September 2020

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2020

Appeal Ref: APP/T5720/W/20/3251896

137A Kingston Road, Wimbledon, London SW19 1LT

- 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 Constantine Galonis against the decision of the Council of the London Borough of Merton.
 - The application Ref 20/P0386, dated 21 January 2020, was refused by notice dated 13 March 2020.
 - The development proposed is a retrospective application for reduction in size of terrace area and erection of 1.8m frosted glass balustrade.
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Decision

1. The appeal is allowed and planning permission is granted for reduction in size of terrace area and erection of 1.8m frosted glass balustrade at 137A Kingston Road, Wimbledon, London SW19 1LT in accordance with the terms of the application, Ref 20/P0386, dated 21 January 2020, subject to the following 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: 8 KR 00 Version A, 8 KR 01 Version A, 8 KR 02 Version A, 8 KR 03 Version A, 8 KR 04 Version A, 8 KR 05 Version A, 8 KR 06 Version A, 8 KR 07 Version A, 8 KR 08 Version A, 8 KR 09 Version A and 8 KR 10 Version A.
 - 3) The screening to the balcony as shown on the approved plans shall be implemented within one month of the date of this decision and shall be permanently retained thereafter.

Procedural Matter

2. The description of development in the banner heading above is taken from Part E of the appeal form. In the formal decision, I have removed reference to elements which are not acts of development i.e. retrospective application.

Main Issues

3. The main issues are the effect of the proposal on (i) the living conditions of neighbouring occupiers, with particular regard to outlook, overlooking as well as noise & disturbance, and (ii) the character and appearance of the area.

Reasons

Living conditions

4. The scheme proposes the retention of the terrace area and the erection of 1.8 metre (m) high frosted, glazed screens. Whilst there are windows to the elevations of nearby properties which face the proposed development, these appeared to be at least partly obscurely glazed and as such there would be limited outlook available from them. Furthermore, any views that would be available would be limited by the presence of surrounding built development. As such, any outlook would not be extensive. In addition to this, the balustrade would not be located in close proximity to any neighbouring windows, such that it would appear as a dominant or oppressive feature. Moreover, it would not be of such an extent as to block all views out of any windows. As a consequence of these factors, the visual presence of the balustrade would not be of such significance as to unacceptably affect the outlook experienced by neighbouring occupiers.
5. The terrace is located at first-floor level and there are views available of the rear of neighbouring properties. However, there was also a level of existing mutual overlooking of properties in the area due to the dense urban grain of the locality. The glazed balustrade would limit the potential for overlooking of the directly adjacent properties. I note that there were rooflights serving the ground floor of the neighbouring property and that views into these were available from vantage points within the terrace. However, I am also conscious that the terrace would be reduced from its current extent, which would remove that area which is closest to these rooflights. In addition, the installation of the glazed screen would limit the ability to be able to look into them. In this respect, the scheme would not result in any unacceptable overlooking.
6. The creation of the terrace to the rear of existing properties would not result in any greater potential for noise and disturbance to neighbouring occupiers than would result from the existing private outdoor spaces within the vicinity. I noted that there were a number of such spaces within the area and the addition of a further one would not result in an unacceptable increase in noise or disturbance. My view in this regard is reinforced by the fact that the terrace is to be accessed from a bedroom and not the main living space of the property, which would in my view limit the usage of the area.
7. Accordingly, I find that the scheme would not have an unacceptable effect on the living conditions of neighbouring occupiers, with particular regard to outlook, overlooking as well as noise & disturbance. Thus, it accords with policies DM D2 and DM D3 of the Merton Sites and Policies Plan (2014) (the SP Plan), insofar as they seek to ensure an appropriate quality of living conditions and that visual disturbance does not diminish living conditions.

Character and appearance

8. The glazed balustrade would be located to the rear of the property where there are limited public views of the terrace area. There would be glimpses from the nearby Russell Road, however these would only be available through a small gap between buildings and as such the proposals would not be prominent. In addition, any views of the proposal would be against the backdrop of existing built development ensuring that it would not be an incongruous addition to the townscape.

9. Therefore, the scheme would not be harmful to the character and appearance of the area and would accord with policies DM D2 and DM D3 of the SP Plan, insofar as the development relates appropriately to the surrounding area and respects the design of the original building.

Other Matters

10. I am aware that a terrace has already been constructed. However, the planning system does allow for planning permission to be sought retrospectively. Such schemes should be considered on the basis of their planning merits irrespective of the unauthorised background. Therefore, while local concerns about this aspect of the proposal are noted, they have very little bearing on the outcome of the appeal.
11. Concern has been raised in respect of external lighting, however this does not form part of the application and, as such, also has little bearing on my decision.

Conditions

12. In addition to ensuring adherence to the approved plans, a condition requiring the implementation of the screening is necessary in the interests of the living conditions of neighbouring occupiers.
13. The Council has suggested a condition in respect of facing materials. However, permission is only given for the details as provided within the planning application and as such this condition is not necessary.

Conclusion

14. For the reasons given, and subject to the conditions as set out, the appeal is allowed.

Martin Allen

INSPECTOR