



Appeal Decision

Site visit made on 19 October 2020

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th November 2020.

Appeal Ref: APP/T5720/W/20/3254983

10F Kings Road, Wimbledon, London SW19 8QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr Kieran O'Connor against the decision of the Council of the London Borough of Merton.
 - The application Ref 20/P0211, dated 24 December 2019, was refused by notice dated 5 March 2020.
 - The development proposed is conversion of existing front hard paved garden into parking space with dropped kerb.
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Decision

1. The appeal is allowed, and planning permission is granted for the conversion of existing front hard paved garden into parking space and dropped kerb at 10F Kings Road, Wimbledon, London SW19 8QN, in accordance with the terms of the application Ref 20/P0211, dated 24 December 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawing numbers: 100, 110, 111, 112 and 113.
 - 3) The materials to be used in the construction of the external surfaces of the development shall be those specified in the application form.
 - 4) Demolition, construction work and deliveries shall take place only between 8am and 6pm on Mondays - Fridays inclusive; between 8am and 1pm on Saturdays, and not at any time on Sundays or on Bank or Public Holidays.

Procedural Matter

2. An elevation and roof plan drawing of the proposed bin storage enclosure has accompanied the appellant's final comments. This supplements the information shown on the application drawing which details the proposed location, length and width of the bin storage area. The Council and third parties have not had the opportunity to comment on these additional drawings yet would have nevertheless seen the location of the bin store and be able to make representations on this. Therefore, on this basis I have accepted the additional

drawing and have based my assessment on it. Furthermore, I have referred to it in allowing this appeal.

Main Issue

3. The main issues are the effect of the proposed development on the character and appearance of the area, including the significance of the South Park Gardens Conservation Area; and the living conditions of nearby residents with particular reference to outlook and daylight/sunlight.

Reasons

Character and Appearance

4. 10F Kings Road forms part of a three-storey block of flats on the corner of Kings Road and South Park Road, in a residential part of Wimbledon. The appeal property lies outside but is adjoining the South Park Gardens Conservation Area (CA).
5. The area in front of the appeal building comprises a garden and hard paved area separated by a short pedestrian walkway leading to the appeal building's entrance door. The hard-paved area is currently enclosed by a low boundary wall and during my site visit I observed a row of wheelie bins immediately behind it. These were prominent when viewed from the street and rose above the front boundary wall.
6. The proposal would remove part of the existing front boundary wall and the gap created would be marginally wider than the majority of driveways along Kings Road. The existing paving in front of the appeal property would be replaced by a permeable hard surface.
7. To the north and on the opposing side of the road there are traditional semi-detached dwellings. These properties have similar front boundary walls in terms of height, while attractive trees and shrubs primarily rise above these boundaries. The rhythm of these front walls and the landscaping are briefly broken by paved driveways and short entrance walkways, nevertheless they have an attractive appearance, and a unifying presence in the street.
8. I have not been provided with any Conservation Area Appraisal or similar document which sets out the significance of the CA. However, it seems to me that in respect of the subject matter of this appeal part of its special character and appearance, and thus its significance, is created by the walls, railings, vegetation and other means of enclosure that face the street. The appeal property's front boundary forms part of the setting of the CA as it is seen in context with other walls of properties within the CA. Consequently, the existing front boundary wall contributes positively towards the setting of the CA, from which it derives some of its significance.
9. The presence of vehicular driveways and therefore gaps in the walled frontages is not uncommon along Kings Road. Therefore, the proposed removal of the wall, to allow access to the parking space, would be generally consistent with the existing characteristics of front boundaries in the street. Moreover, the proposal would only result in the removal of part of the appeal building's front wall, as a length, equivalent to that which would be removed, would remain the other side of the entrance walkway ensuring that the frontage is generally

consistent with other property boundaries. On this basis it is considered that the CA's character and appearance would be preserved.

10. Given the size of the proposed front forecourt I am satisfied that the relocated bin storage area would not encroach into the space reserved for the vehicle parking. Furthermore, the bin store's perpendicular relationship to the road would be visually more acceptable compared to the current arrangement, where bins are lined facing the street, while the enclosure would help conceal the bins from view. The bin store has a modest height and its form would assimilate well with the adjacent boundary trees and the hedge that lines the existing walkway leading to the block of flats. In my view, therefore, it would not adversely detract from the street's character and appearance or the significance of the CA.
11. I note the Council's evidence includes photographs of the shrubs that rise above the wall intended for removal, which, in their view, softens the appearance of the existing paved area behind. However, during my site visit I noted that this vegetation was removed, exposing the line of bins and the existing hard surface. Whilst I acknowledge that the removal of the wall would make the paved area in front of the appeal property more prominent from the street, this effect would be marginal given that the height of the current wall allows for clear views over it and through the gap created by the walkway entrance. Notwithstanding the Council's concerns, it is considered that the adjacent evergreen boundary tree and hedgerow that surround the paved area would help to soften its appearance, in a similar fashion to other driveways along Kings Road, that have adjacent trees and shrubs.
12. Therefore, I conclude that the proposed development would have an acceptable effect on the character and appearance of the area, including the significance of the South Park Gardens Conservation Area. It would comply with Policies DM D1 and DM D2 of the Sites and Policies Plan and Policies Map, adopted 9 July 2014 (SPS) and Policy CS14 of the London Borough of Merton LDF Core Planning Strategy, adopted July 2011 (Core Strategy). These require, amongst other things, that proposals are not detrimental to the character of the street, while conserving Merton's heritage assets.

Living Conditions

13. The ground floor of the appeal property has a large horizontal window that faces the proposed parking area. The proposal would mean that a parked vehicle would be visible and in close proximity to the window. However, given the size of the window and the scale of an average car it is likely that occupiers of the room would be able to see above and around it ensuring that their outlook would not be adversely harmed. The window is also large enough to still receive appropriate levels of daylight and sunlight even with the presence of a car on the driveway. Furthermore, it would be improbable that a car would be permanently parked in the space and therefore the driveway would at times be unoccupied.
14. On this basis I do not consider that there would be a harmful effect on the living conditions of nearby residents in terms of outlook, daylight and sunlight. The proposed development would therefore comply with Policy DM D2 of the SPS where it requires proposals to protect existing and future occupiers from visual intrusion and to ensure appropriate levels of daylight and sunlight.

Other Matters

15. Concern has been raised regarding potential damage to the large evergreen tree on the boundary between the appeal property and No 12 Kings Road. However, I have no specific evidence on how the tree could be damaged by the proposed development. As such I see no reason why the tree cannot be retained.
16. Interested parties have questioned whether the vehicular access is wide enough and whether this could have a harmful effect on highway safety. Yet, the width of the driveway, even accounting for the bin store area, would be comparable if not wider than other driveways in the street, while the Council's Highways advisers have raised no objection in relation to highway safety.
17. There are also concerns that the proposed parking space is not necessary as there is existing parking to the rear of the appeal building. The appellant, nonetheless, confirms that the appeal flat does not have access to these spaces.
18. Party wall and boundary issues have been raised, however, it is advised that the interested party pursue these matters separately as private interests relating to property do not form part of my considerations.

Conditions

19. I have had regard to the Council's suggested conditions, amending or omitting them where necessary for clarity and to ensure compliance with the tests set out in paragraph 55 of the Framework.
20. In addition to the standard time limit condition I have considered it necessary to include a schedule of plans that the development relates to, for the avoidance of doubt and in the interests of certainty. A condition relating to the construction of the development in the materials specified in the application form is necessary to safeguard the character and appearance of the area. A condition limiting the construction hours is necessary in order to safeguard the living conditions of surrounding occupiers.

Conclusion

21. For the reasons outlined above I conclude that the appeal should be allowed.

R. E. Jones

INSPECTOR