

Appeal Decisions

Hearing Held on 10 February 2021

Site visit made on 11 February 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2021

Appeal A Ref: APP/T5720/W/20/3252130

North View Cottage, 15 North View, Wimbledon SW19 4UJ

- 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 Max Rink against the decision of the Council of the London Borough of Merton.
 - The application Ref 19/P3977, dated 7 November 2019, was refused by notice dated 1 April 2020.
 - The development proposed is demolition of the existing dwelling, erection of 1 x new single family dwelling with front and rear roof dormers, side extensions; excavation of a basement and associated works.
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Appeal B Ref: APP/T5720/W/20/3252131

North View Cottage, 15 North View, Wimbledon SW19 4UJ

- 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 Max Rink against the Council of the London Borough of Merton.
 - The application Ref 19/P4071, is dated 7 November 2019.
 - The development proposed is demolition of the existing dwelling with the exception of the front façade; erection of a part one, part two storey rear extension; creation of new roof with associated front and rear dormers; installation of a first floor rear roof terrace with associated balustrade; single storey side extensions to the east and west elevations; alterations to the fenestration and relocation of the front door; excavation of a basement and creation of a rear lightwell.
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Decisions

Appeal A Ref: APP/T5720/W/20/3252130

1. The appeal is allowed and planning permission is granted for demolition of the existing dwelling, erection of 1 x new single family dwelling with front and rear roof dormers, side extensions; excavation of a basement and associated works at North View Cottage, 15 North View, Wimbledon SW19 4UJ in accordance with the terms of the application, Ref 19/P3977 dated 7 November 2019 subject to the conditions set out in the attached Schedule 1: Appeal A Conditions.

Appeal B Ref: APP/T5720/W/20/3252131

2. The appeal is allowed and planning permission is granted for demolition of the existing dwelling with the exception of the front façade; erection of a part one, part two storey rear extension; creation of new roof with associated front and rear dormers; installation of a first floor rear roof terrace with associated

balustrade; single storey side extensions to the east and west elevations; alterations to the fenestration and relocation of the front door; excavation of a basement and creation of a rear lightwell at North View Cottage, 15 North View, Wimbledon SW19 4UJ in accordance with the terms of the application, Ref 19/P4071 dated 7 November 2019 subject to the conditions set out in the attached Schedule 2: Appeal B Conditions.

Procedural Matters

3. Appeal A proposes demolition of the existing building on the site and construction of a new dwelling, while Appeal B proposes to retain the façade of the existing building as part of the development. The front elevations of the buildings would be distinct, but other differences between the developments would be very limited. While I have considered each appeal on its individual merits, I have dealt with the 2 schemes together to avoid duplication.
4. The Council amended the descriptions of both developments from those given on the planning application forms. However, the main parties confirmed at the hearing that there had not been formal agreement to the changed descriptions, and I have therefore used those given on the original applications.
5. Appeal B relates to a planning application that was not determined by the Council within the prescribed period. The Council's appeal evidence indicates that had it determined the application, it would have refused permission, and I have had regard to the putative reason given for refusal in identifying the main issues below.
6. On 29 January 2021, the Secretary of State confirmed to the Mayor of London that he was content for the emerging 'Publication London Plan' (PLP) issued in December 2020 to be published with no further changes. At the hearing, the main parties were able to comment on the relevant policies of the PLP and the weight to be given to these depending on the PLP status at the time of my decisions, and I have taken the comments made into account. The PLP has not yet been published and so does not currently form part of the development plan. However, I have afforded significant weight to its policies within my decisions given its very advanced stage of preparation.

Main Issues

7. The main issue in both Appeal A and Appeal B is the effect of the proposal on designated and non-designated heritage assets.

Reasons

8. The appeal site is located within the Wimbledon West Conservation Area (CA). The National Planning Policy Framework (the Framework) identifies that Conservation Areas are a designated heritage asset. The main parties also refer to the existing building on the site as a 'non-designated heritage asset'.
9. The Wimbledon West CA is generally characterised by buildings in a range of architectural styles and a layout of development which both reflect its historic pattern of growth. The Council's West Wimbledon Conservation Area Character Assessment 2004 (CACA) identifies that the appeal site is within 'Sub Area 3'. This part of the CA has a strong relationship with the Common which surrounds it on 3 sides, and features a mix of buildings, including modest workers cottages and terraced almshouses, imposing three and four-storey properties

as well as The Study Preparatory School which is a Grade II listed building. There are relatively few modern alterations visible, but the variation in the architectural style, scale, age and appearance of individual buildings or groups of similar properties is striking, and results in a distinctive and attractive diversity to the area. I find that these aspects, along with the architectural quality of a number of the buildings, and in particular those on the Council's 'local list' as identified within the CACA and the listed school, contribute to the character, appearance and significance of the CA.

10. The appeal site and neighbouring dwellings at 12 and 14 North View form a group of comparatively small buildings between groups of much larger properties on North View and Camp View. The CACA includes a detailed review of buildings in the area and indicates that 15 North View makes a neutral contribution to the character of the CA. However, the Council asserts that No 15 makes a positive contribution to the CA. In support of this position, it highlights the role of the site in the social history of this part of Merton, and that the late 20th Century date ascribed to the building within the CACA is an error.
11. There is little firm information before me to support the Council's suggestion that the current building on the site could date to the earlier part of the 19th Century. Nevertheless, the parties broadly agreed that it dates to at least around the mid-19th Century, and it is clear from the evidence before me that the appeal site was one of the first on North View to be developed along with Nos 12 and 14. However, even if I were to accept the Council's earlier potential origin for No 15, its age alone would not determine its contribution, and other factors are also relevant to an assessment of its interest and significance.
12. In this case, I find that the simple design, shallow pitched roof form and modest scale and proportions of the appeal building sit comfortably within its context. Even so, the CACA comments that the building is of only marginal architectural interest, and compelling evidence to the contrary has not been provided. Moreover, it is apparent that there have been notable alterations to No 15 over time. These include modification from 2 properties to a single dwelling, internal alterations, changes to the arrangement of windows and doors to the front of the building, and the addition of front and rear dormers which detract from the character and appearance of the host building as a result of their unsympathetic siting and proportions. The presence of a large rear extension, uneven coating to the external brickwork and modern uPVC windows further diminish the integrity, form and appearance of the building. In addition, No 14 is a modern replacement dwelling. Whether or not this development took place prior to designation of the CA, I consider that it has eroded the group value of Nos 12, 14 and 15 as smaller cottages of similar age.
13. The information before me indicates that the appeal site was formerly occupied by the Booth family who ran 'Booths laundry', one of a number in the area serving wealthier households around the Common. Linked to the growth of Wimbledon in the Victorian era, the laundry industry represented an important aspect of employment and economic independence for women locally. However, the main parties suggest that the laundry operated from a building to the rear of No 15 which is no longer present. In addition, there is no firm evidence before me to substantiate a suggested link to the local golf club through employment of George Booth, nor to detail the historical interest or importance of any such connection. In combination with the physical and visual

alterations which have significantly altered the form and integrity of the building since occupation by the Booth family, I therefore consider that the historical interest and contribution to local social and economic history are related more to the site and the surrounding area, rather than being tied to the appeal building itself.

14. For these reasons, and notwithstanding its age and historical associations, I agree with the CACA that the appeal building has a neutral effect on the character of the CA as a whole, and I find that the contribution made by the building in its current form to the significance of the CA is limited. These factors similarly limit the heritage interest and significance that I attribute to No 15 as a non-designated heritage asset. In this regard, I note the Council's acceptance at the hearing that the significance of the building would be less than others in this part of the CA which are included on the local list, and I see no reason to take a different view.
15. Appeal B would retain the façade of the building with some alterations, but even the total demolition of No 15 under Appeal A would not eradicate the role of the site in the social and economic history of the area which is a matter of record. Given this and my findings on the significance and contribution of No 15 to the CA, I do not find there to be a firm presumption against the loss of the existing building, or that this would in itself result in harm to the CA.
16. Turning to consider the proposed developments, both appeals would provide for significant separation between the upper parts of the building and the site boundaries. The width of the buildings at ground floor level would be increased by projections to both sides, but there would be separation of around 1m to the boundary with No 14 as well as significant separation to the rear of the adjacent dwellings on Camp View. I am therefore satisfied that there would remain an appreciable sense of space around the buildings. In addition, the ground floor projections would be set back from the two-storey part of the buildings, and would in part be obscured from the street scene by boundary treatment so that they would not be prominent.
17. Moreover, the adjacent building at No 14 currently includes a two-storey element which extends up to the side of No 12, and the appellant's Heritage Assessments include photographs and historic maps which indicate that the building formerly on the site of No 14 historically adjoined the side of No 15. More widely, I also observed little consistency overall in the spacing between buildings in this part of the CA. Given these factors, neither proposal would result in a harmful terracing effect or in the erosion of a distinctive attribute of the area's character or appearance by reason of their width.
18. The roofs of both proposed buildings would differ in pitch from the existing building on the site, but would be similar in angle and height to No 14 adjacent. The inclusion of flat sections would not be a traditional roof form within the CA. Nevertheless, nearby buildings have assorted roof designs, and I saw examples of similar flat roof sections, including to No 12 in very close proximity. This element would not therefore be incongruous. In addition, the flat sections would be of modest depth, and would only be appreciable from relatively limited viewpoints in the surrounding area. Where views would be possible, the chimneys at either side of each proposed roof would provide screening and would further moderate any visual impact. As a consequence, I

do not find that the roof designs would be conspicuous or incompatible with the surrounding area.

19. In respect of Appeal A, the Council is also concerned that windows to the front elevation would be uncharacteristic. The ground floor windows would be of greater height than those of the existing dwelling. Even so, nearby buildings, including Nos 12 and 14, include a wide variety of windows of assorted heights and designs, both with and without glazing bars. The height and design of the windows would not therefore stand out. The proposed painted timber frames would also be more in keeping with traditional materials found within the CA than the uPVC to the existing building. Accordingly, I am satisfied that the windows would not be discordant or out of character.
20. There would be views of the developments, including from the Common and from the street scene of North View, but neither would disrupt the site's relationship with the Common, with both dwellings continuing to overlook this space. The buildings would also be of broadly comparable height and scale to Nos 12 and 14, and would remain appreciably smaller than properties on Camp View and at 1-8 North View so that their size would not appear inappropriate or dominant. In comparison to these larger neighbours, the appearance of both developments would also be unassuming as a result of their more restrained detailing and simpler designs. The relationship between the group of the appeal site with Nos 12 and 14 and the more substantial surrounding properties would not therefore be compromised, and the clear visual contrast in the scale and bearing of these buildings, which adds to the character and appearance of the area, would be maintained.
21. The proposed external materials would be appropriate within the CA, and would in my view be more sympathetic than the current textured coating to the brickwork and uPVC windows on the site. I also find that the dormers would be better proportioned and positioned within the host roofslopes than the existing dormers. In themselves, I consider that these elements of the proposals would therefore be beneficial. The proposals would further enable improvements to insulation and energy efficiency in comparison to the existing building, and would facilitate ongoing residential use, with representations by an interested party confirming that the existing dwelling has been vacant for some time.
22. In accordance with the Framework, the conservation of the Wimbledon West CA is a matter to which I afford great weight, and I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In weighing applications that directly or indirectly affect non-designated heritage assets, the Framework further advises that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
23. However, I find for the reasons above that when each proposal is taken as a whole, the character and the appearance of the Wimbledon West CA would be preserved and that its significance would not be harmed. Moreover, having balanced the demolition (in the case of Appeal A) and extent of demolition (in the case of Appeal B) of the appeal building against its neutral effect on the CA, its limited significance and the acceptability of its replacement; I am also satisfied that the loss of the non-designated heritage asset would in these

particular cases be justified. I therefore see no reason that the economic vitality of the area would be adversely affected.

24. Accordingly, I conclude that designated and non-designated heritage assets would not be unacceptably harmed by the appeal proposals. I find no conflict with Policies CS 14 of the Merton Core Strategy 2011, Policies DM D2, DM D3 or DM D4 of the Merton Sites and Policies Plan and Policies Map 2014 or with Policies 7.4, 7.6 or 7.8 of the London Plan - The Spatial Development Strategy for London Consolidated with Alterations Since 2011. Amongst other things, these policies together broadly require high quality development that respects local character and its context and which conserves and enhances the significance of heritage assets. I also find no conflict with Policies D3 or HC1 of the PLP which have similar objectives, nor with requirements within the Framework seeking conservation and enhancement of the historic environment.

Other Matters

25. With regard to the scale of the developments and the separation and intervening buildings, I am satisfied that the proposals would not cause harm to the special interest, setting or significance of the Study Preparatory School which is a listed building.
26. My conclusions above reflect the specific circumstances of the appeal site and building, including with regard to its significance and contribution to the CA, as well as those of the proposed developments. Given this and that any application or appeal must be determined on its individual merits, I do not consider concerns raised by the Council at the hearing that allowing the appeals would set a precedent for loss of other buildings within the CA to justify withholding permission in these cases.
27. Provision for suitable drainage and management of groundwater on the site can be secured by appropriately worded conditions, while the requirement for a party wall agreement or consideration of damage caused to property during construction works would be a private matter between the parties involved.

Conditions

28. I have considered suggested conditions having regard to the tests set out at paragraph 55 of the Framework. As a result, I have amended some where necessary, or for the sake of consistency, brevity or clarity. I have also avoided the use of pre-commencement conditions unless this is necessary for a condition to achieve its purpose, in which case the appellant has provided written agreement to those conditions being imposed.
29. On both Appeal A and Appeal B, I have imposed standard time limit conditions, as well as conditions specifying the approved plans for the avoidance of doubt and in the interest of certainty. Conditions to require details of external materials are necessary to ensure a satisfactory appearance, although there is no need for details to be provided prior to any development taking place. In the interests of the living conditions of neighbouring occupiers, I have imposed conditions which restrict additional windows and require screening to the first-floor rear terraces as well as to control construction hours. I have also attached pre-commencement conditions relating to archaeological investigation, implementation of surface and foul water drainage and the management of groundwater which are necessary to establish suitable measures are in place prior to works taking place in order to

safeguard archaeology and to ensure that flood risk is not increased. Conditions to provide for ecological mitigation are also necessary in the interests of biodiversity on the site.

30. To comply with the requirements of the development plan, the Council suggested an additional condition specifying targets for carbon dioxide emissions and water consumption which would be necessary in respect of Appeal A only. However, in accordance with discussion at the hearing, I have attached an amended condition requiring submission of a sustainability statement in order to ensure that measures reflect relevant development plan requirements.
31. Although not included as suggested conditions, the Council's officer reports on the proposals commented that additional details of storage for refuse and cycles would be required. Nevertheless, the parties confirmed at the hearing that this would not be necessary given provision shown on the plans for refuse and access to the rear garden, and I agree.

Conclusion

32. For the reasons given above, I conclude that both Appeal A and Appeal B should be allowed.

J Bowyer
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Max Rink	Appellant
Mr M Washbourne	Planning Consultant, Savills
Mr E James	Planning Consultant, Savills
Mr Mike Neale	Architect, Form Studio
Mr Nick Bridges	Heritage Consultant, Bridge Associates
Mr John Rink	Member of the Appellant's family

FOR THE LOCAL PLANNING AUTHORITY:

Mr T Bryson	Development Control Area Team Leader (North), London Borough of Merton
Ms C Gilhooly	Planning Case Officer, London Borough of Merton
Mrs J Tyndale	Urban Design and Conservation Officer, London Borough of Merton

DOCUMENTS SUBMITTED AFTER THE HEARING

1. Email from the appellant agreeing to the imposition of Pre-Commencement conditions.

Schedule 1: Appeal A 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: 920.004, 920.005 Rev A, 920.017, 920.149 Rev D, 920.150 Rev B, 920.151 Rev D, 920.152 Rev C, 920.153 Rev C, 920.154 Rev C, 920.155 Rev C, 920.156 Rev B and 920.157 Rev C, and the Archaeological Desk-based Assessment (November 2019), Design & Access Statement (Ref: 920/DA/03A New-Build, 6 December 2019), Protected Species Report: Bat Presence and Absence Surveys (Ref: BG19.164.1, May 2019), Planning Statement (October 2019), Construction Method Statement/Assessment (Ref: GH/2990 CMS, 4 June 2019), and Heritage Assessment of New-Build Proposals (November 2019).
- 3) No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:
 - A. the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organization to undertake the agreed works.
 - B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
- 4) Prior to the commencement of development, a detailed scheme for the provision of surface and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented in accordance with the approved details.
- 5) Prior to the commencement of development, a detailed proposal on how drainage and groundwater will be managed and mitigated during and post construction (permanent phase), for example through the implementation of passive drainage measures around the basement structure, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be permanently retained as such thereafter.
- 6) Notwithstanding the details submitted with the application, no development above proposed ground level shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors, have been submitted to and approved in writing by the Local

Planning Authority. The development shall thereafter be carried out in full accordance with the approved details.

- 7) No development above proposed ground level shall take place until a sustainability statement including details of CO₂ reductions from Building Regulations 2013 Part L requirements and internal water consumption rates has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be permanently retained as such thereafter.
- 8) The screening to the sides of the first-floor rear terrace as shown on the approved plans shall be implemented before the development is first occupied and shall be permanently retained as such thereafter.
- 9) Prior to first occupation of the development, two Schwegler 1N General Purpose Nest Boxes, or similar boxes in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority, must be installed onto the walls or suitable surrounding trees to the development. The boxes must be positioned at least two metres above the ground and face between north and east.
- 10) An integrated bat box such as a Schwegler 1F Bat tube, or a similar box in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority, shall be installed within the fabric of the building during construction. This feature should be positioned on a southern elevation, over a height of 5 metres. The flight line to the box should be unobstructed by vegetation or other structures.
- 11) No demolition or construction work or ancillary activities such as deliveries shall take place before 0800 or after 1800 Mondays - Fridays inclusive, before 0800 or after 1300 on Saturdays, or at any time on Sundays or Bank or Public Holidays.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window, door or other opening other than those expressly authorised by this permission shall be constructed in the side elevations of the building.

End of Schedule

Schedule 2: Appeal B 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: 920.004, 920.004 Rev A, 920.016, 920.119 Rev D, 920.120 Rev B, 920.121 Rev C, 920.122 Rev C, 920.123 Rev C, 920.124 Rev C, 920.125 Rev C, 920.126 Rev B and 920.127 Rev C, and the Archaeological Desk-based Assessment (November 2019), Construction Method Statement/Assessment (Ref: GH/2990 CMS, 4 June 2019), Design & Access Statement (Ref: 920/DA/02A Façade Retention, 6 December 2019), Protected Species Report: Bat Presence and Absence Surveys (Ref: BG19.164.1, May 2019), Heritage Assessment of Façade Retention Proposals (November 2019) and Planning Statement (October 2019).
- 3) No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:
 - A. the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organization to undertake the agreed works.
 - B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
- 4) Prior to the commencement of development, a detailed scheme for the provision of surface and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented in accordance with the approved details.
- 5) Prior to the commencement of development, a detailed proposal on how drainage and groundwater will be managed and mitigated during and post construction (permanent phase), for example through the implementation of passive drainage measures around the basement structure, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be permanently retained as such thereafter.
- 6) Notwithstanding the details submitted with the application, no development above proposed ground level shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors, have been submitted to and approved in writing by the Local

Planning Authority. The development shall thereafter be carried out in full accordance with the approved details.

- 7) The screening to the sides of the first-floor rear terrace as shown on the approved plans shall be implemented before the development is first occupied and shall be permanently retained as such thereafter.
- 8) Prior to first occupation of the development, two Schwegler 1N General Purpose Nest Boxes, or similar boxes in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority, must be installed onto the walls or suitable surrounding trees to the development. The boxes must be positioned at least two metres above the ground and face between north and east.
- 9) An integrated bat box such as a Schwegler 1F Bat tube, or a similar box in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority, shall be installed within the fabric of the building during construction. This feature should be positioned on a southern elevation, over a height of 5 metres. The flight line to the box should be unobstructed by vegetation or other structures.
- 10) No demolition or construction work or ancillary activities such as deliveries shall take place before 0800 or after 1800 Mondays - Fridays inclusive, before 0800 or after 1300 on Saturdays, or at any time on Sundays or Bank or Public Holidays.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window, door or other opening other than those expressly authorised by this permission shall be constructed in the side elevations of the building.

End of Schedule