

Appeal Decision

Site visit made on 7 May 2021

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 14 June 2021

Appeal Reference: APP/T5720/W/20/3263833

Land at 52B Russell Road, Ampthill, Wimbledon SW19 1QL

- 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 Ms R Hawkless against the decision of Merton London Borough Council.
 - The application (reference 20/P2317, dated 23 July 2020) was refused by notice dated 16 September 2020.
 - The development proposed is described in the application form as "Replacing the street facing bedroom window with French doors leading to the compact private garden and fencing it off with timber slat screen on all three sides".
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Decision

1. The appeal is dismissed.

Preliminary points

2. Since the development which is the subject of this appeal has already been carried out, the application is to be treated as one made under Section 73A of the Town and Country Planning Act 1990.
3. Notwithstanding the description of the application that was given in the application form, the nature of the proposal can more succinctly be expressed as the replacement of a bedroom window with doors and the installation of garden fencing, as set out in the Council's Decision Notice and in the Planning Appeal Form.

Main issue

4. The main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the host building and its surroundings.

Reasons

5. Russell Road is a predominantly residential road in a closely built up area of Wimbledon. The locality is characterised by two-storey houses, generally in terraced layout, behind small front gardens. The building at 52 Russell Road is a Victorian house with a gable end facing the road but it has been converted to form flats. Number 52B occupies the front part of the ground floor and this

- property includes a small front garden area, adjacent to the highway and the front door to the building.
6. The development that is the subject of this application comprises two related elements. The original ground floor front window has been replaced with a pair of doors that now give access to the front garden area. This area has been enclosed by the installation of slatted garden fencing on three sides, against the front of the building.
 7. The 'National Planning Policy Framework' (which was revised in February 2019) emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, which includes providing good standards of accommodation.
 8. An emphasis on the importance of good design is also to be found in the Development Plan, including planning policies for the London Borough of Merton and more widely applicable policies in 'The London Plan'. Particular attention has been drawn to Policies DMD2 and DMD3 of the 'Sites and Policies Plan' (adopted in July 2014) and Policy CS14 of the 'LDF Core Planning Strategy' (adopted in July 2011). These policies underpin general principles (that are also to be found in 'The London Plan') and they emphasise the importance of good design and the aim of protecting urban character.
 9. In the vicinity of the appeal site, it is unusual to find enclosed front gardens that have high fences constructed on the edge of the public footpath. Indeed, the street has an open character, that is also softened by planting in front gardens, and this is the case even where hedges have, legitimately, been allowed to grow up to create an enclosed space that shields front windows at ground floor level.
 10. The new fence is well constructed, with horizontal timber slats, behind the dwarf brick walls that previously enclosed the private garden. Some shrubbery rises above the top of the fence and is visible from the road. Nevertheless, the fence introduces a hard element into the streetscene, that erodes its attractive character. Evidently, the repetition of such an element would greatly change the appearance of the street frontages but even this fence causes a degree of harm to the streetscene which conflicts with the aim of achieving good urban design.
 11. The proposals also include the creation of a new pair of doors in the front elevation of the building, replacing a previously existing window. The new doors have been designed to harmonise with the original Victorian design, however, and they do not cause undue harm to the architectural qualities of the host building.
 12. It is acknowledged that the enclosed garden would provide a useful adjunct to the flat and that privacy would be improved, especially as a new front hedge would take time to become established. Nevertheless, I am convinced that the harm done to the streetscene outweighs the benefits of the scheme and that it ought not to be allowed. Indeed, I am conscious that such a project would, if repeated too often, have a very serious impact on the quality of the urban environment.

13. Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed.
14. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C Shrimplin

INSPECTOR