

Appeal Decision

Site visit made on 26 October 2021

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2021.

Appeal Ref: APP/T5720/D/21/3281161

78 Kenilworth Avenue, Wimbledon, London SW19 7LR

- 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 Mrs & Mr Salina & Guy Brindle against the decision of the Council of the London Borough of Merton.
 - The application Ref 21/P1366, dated 6 April 2021, was refused by notice dated 2 June 2021.
 - The development proposed is 'demolition of original single storey kitchen building to be replaced with new 2 storey extension to provide a new larger kitchen and dining space to the ground floor and enlarged bedroom to first floor rear bedroom. The loft will also be converted to provide additional accommodation of 3 bedrooms and 2 bathrooms. These works are to support and enhance the property as a single family dwelling'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed extensions on the character and appearance of the host dwelling and the surrounding area; and
 - the effect on the living conditions of the occupiers of Nos 76 and 80 Kenilworth Avenue, with regard to outlook and on the occupiers of No 80, with regard to natural light.

Reasons

Character and Appearance

3. No 78 is a two storey semi-detached dwelling located in a residential road of similar properties.
 4. Policies DM D2 and DM D3 of the Merton Sites and Policies Plan (2014) (SPP) concern design considerations and alterations and extensions to existing buildings. They require well-designed proposals that will respect the appearance, scale, bulk, form, proportions, materials and character of the original building and its surroundings.
 5. I note that the proposed alterations to the roof in the form of a hip to gable extension and rear dormer are effectively the same as those approved under a
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separate extant permission¹. I agree with the Council that the roof lights to the front would represent minimal changes to the dwelling. The Council's principal concern, therefore, is the combined effect of the proposed extensions to the rear, particularly resulting from the addition of a two-storey extension.

6. No 78 is currently unaltered from its original built form. Brick is the predominant external material with a limited amount of render to the upper storey. The proposal comprises a series of stepped extensions across the ground, upper and roof levels. Neighbouring properties along this part of Kenilworth Avenue display some alterations, although most have occurred to the ground floor or to the roof in the form of dormers. The upper floors of properties are unaltered and brick remains the predominant external material seen to the rear.
7. The ground floor extension would be of similar depth to the current single storey element, would be finished in brick and would have a flat roof. However, the upper floor and roof extensions would have metal cladding and all the extensions would incorporate glazing of materially greater extent than the proportions of the original windows.
8. Taken as a whole, these extensions would substantively alter the rear of the property to the extent that little of its original form or character would be discernible. The combined bulk and mass of the extensions would dominate the dwelling and would appear incongruous compared to neighbouring dwellings, particularly as these do not have upper floor extensions. Moreover, the extent of the metal cladding would be incongruous in this setting where brick is the main facing material; and the flat roof of the upper floor extension would contrast unfavourably with the pitched roof form that is common across most properties. While these changes would not be visible from the public realm, they would be seen from neighbouring gardens from which views the incongruous and uncharacteristic extent and appearance of the extended dwelling would be readily apparent.
9. I have had regard to the two examples of other extended properties referred to by the appellants. However, neither example appears to display the same extent of metal cladding, nor is the context clear, in particular the extent of any changes to neighbouring properties. Furthermore, I have found that the appeal proposal would result in material harm in its own right and, therefore, these other examples of nearby development are not sufficient to overcome this harm.
10. Accordingly, for these reasons, I conclude that the proposed extensions would have an unacceptably harmful effect on the character and appearance of the host dwelling and the surrounding area. Consequently, the proposal is contrary to Policies DM D2 and DM D3 of the SPP, as described above.

Living Conditions

11. While the combined extensions would appear uncharacteristic and incongruous to neighbouring occupiers, due to their overall size and depth they would not appear as dominant or overbearing features. In particular, the set away of the first floor extension from the boundaries either side means that the extension

¹ Ref 20/P1162.

would not be prominent in views from the glass-roofed extension to No 80 or from the garden area close to the rear of No 76.

12. I have not been provided with the light study referred to by the appellants. However, based on the submitted plans and site inspection, the extent, size and position of the extensions means that the proposal would not result in a loss of natural light to either neighbouring property to the extent that this would result in material harm to living conditions.
13. In reaching these views I have had regard to the representations from interested parties concerning the effect on living conditions. I have also had regard to concerns raised about a loss of privacy resulting from views from the extended appeal property. While the proposal would increase the number and size of rear-facing windows, direct views from these would remain towards No 78's garden. Moreover, some views of neighbours' gardens are common from most properties. Indeed, both Nos 76 and 80 have dormers that already enable such views and the proposed changes to No 78 would be no different in this regard.
14. Therefore, taking these findings as a whole, I conclude that there would be no material harm from the proposals to the living conditions of neighbouring occupiers, with regard to outlook, natural light or privacy. As such, there is no conflict with Policy DM D2 of the SPP, which includes criteria requiring that development should protect neighbouring occupiers' living conditions.

Other Matters

15. I have had regard to the representations made by other interested parties. These do not, however, raise any additional matters in relation to the main issues that would lead me to reach a different overall conclusion.
16. I note the appellants' concern that the Council did not engage with them or visit the site. However, these are procedural matters that are outside the scope of this appeal.

Conclusion

17. I have found in the appellants' favour with regard to one of the main issues, concerning the effect of the proposal on living conditions. However, this is not sufficient to outweigh the fact that the proposal is contrary to the development plan as it would have a materially harmful effect with regard to character and appearance. There are no other material considerations that outweigh the conflict with the development plan. Accordingly, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR