The Planning Inspectorate

Appeal Decision

Site visit made on 17 April 2023

by Mr C J Tivey BSc (Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 May 2023

Appeal Ref: APP/T5720/D/23/3316260
7 Watery Lane, Wimbledon Chase, London SW20 9AA

- 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 Moein Tavakkoli against the decision of the London Borough of Merton Council.
- The application Ref 22/P2244, dated 20 July 2022, was refused by notice dated 30 November 2022.
- The development proposed is for internal changes at ground floor, first floor side extension, modification/addition of doors/windows and insertion of skylights on existing roof.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the appeal proposal would preserve or enhance the character or appearance of the John Innes – Merton Park Conservation Area; and its effect upon the living conditions of the occupants of 5 Watery Lane, with specific reference to outlook and light.

Reasons

Character and Appearance

3. The appeal site comprises an asymmetrical gable fronted house which is almost of an identical design to 5 Watery Lane next door to the north. I note that the John Innes (Merton Park) Character Assessment (2006) highlights that both nos 5 and 7 make a negative contribution to the character and appearance of the Conservation Area, although it does not fully explain as to why this is the case. All I can say is that they are of their time and clearly do not follow the vernacular as found elsewhere within the Conservation Area, nonetheless they exist, and this is the starting point.

4. On face value, the alterations to the appeal dwelling are relatively minor in nature, but overall, the changes to the principal elevation would erode the symbiotic relationship between the pair of detached dwellings. By lowering the existing ground floor by 200mm, in order to lower both the first and second floors to facilitate a loft conversion, would give rise to the need to lower all of the window openings; and combined with the loss of the recessed front door, I regard the scheme as a retrograde step, diminishing the existing design of the

host dwelling and the architectural harmony between it and its northern neighbour. I say this however acknowledging that the Council have raised no objection to the principle of redeveloping the site or modifying the existing building.

5. I accept that the proposed first floor side extension would be set behind the existing front elevation where it would be hidden from view within Watery Lane and the catslide roof design would be maintained. Overall, I consider that the elements of the scheme away from public view would not be detrimental to the character and appearance of the area in general.

6. I do not dispute that the current scheme is an improvement upon the previously refused proposal, but nonetheless I consider that overall, the scheme before me would fail to preserve the character and appearance of the Conservation Area. Consequently I consider that the proposal would give rise to less than substantial harm to the designated heritage asset, contrary to criterion a) i. of Policy DM D2, criteria a) i. & v. of Policy DM D3 and Policy DM D4 of the Merton Sites and Policies Plan and Policies Maps (SPPPM- July 2014); Policy CS14 of the Merton Core Strategy (CS – July 2011); and paragraph C of Policy HC1 of the London Plan (LP – March 2021), which together require proposals for development to relate positively and appropriately to the rhythm of surrounding buildings, whilst respecting and complementing the design and detailing of the original building, in addition to conserving and enhancing Merton's heritage assets and wider historic environment.

Living Conditions

7. I note that no 5 has a high level first floor window serving a landing area and together with a ground floor window under provide natural light into the core of the building. Therefore, any development due south of this would clearly give rise to a degree of loss of light. That said, the proposal would give comprise a continuation of the existing roof plane, albeit with the extended eaves line truncated such that there would remain a reasonable gap between it and the boundary.

8. Taking into account the high-level nature of the landing window, I consider that the proposed first floor extension would not materially impact upon the amount of sunlight and daylight received by it and furthermore as it does not serve a habitable room, I consider that any loss of outlook by itself would not have constituted a reasonable reason to withhold planning permission. In addition, I note that the first-floor extension would not project beyond the existing rear elevation at first floor level, therefore I consider that by reason of its depth, height, siting and massing would not result in material harm to the occupants of no 5 in respect of light or outlook.

9. Therefore, on this issue alone I find no conflict between the proposal and criterion a) v. of SPPPM Policy DM2 and paragraph D7) of LP Policy D3 which together require proposals for development to ensure provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy to adjoining buildings and gardens, in addition to delivering appropriate outlook.

Heritage Balance

10. Pursuant to paragraph 202 of the National Planning Policy Framework I consider that the proposal would lead to less than substantial harm to the significance of a designated heritage asset. No public benefits have been advanced in support of the proposal; therefore, I consider that none exist to outweigh this harm.

Conclusion

11. Therefore, having regard to the above and all other matters raised by the appellant, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR