



Appeal Decision

Site visit made on 5 December 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/T5720/D/23/3321920

58 Pepys Road, Raynes Park, Merton, London, SW20 8PF

- 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 A Vithaldas against the decision of the London Borough of Merton.
 - The application Ref. 23/P0451, dated 16 February 2023, was refused by notice dated 13 April 2023.
 - The development proposed is front, part width dormer.
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Decision

1. The appeal is allowed and planning permission is granted for proposed front, part width dormer at 58 Pepys Road, Raynes Park, Merton, London, SW20 8PF, in accordance with the terms of the application, Ref. 23/P0451, dated 16 February 2023 and the plans submitted with it, and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building or otherwise be as shown in the application form.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 001 Rev.P01; 120 Rev.P01; 113 Rev.P01; 112 Rev.P01; 130 Rev.P01; 121 Rev.P01; 123 Rev.P01.

Preliminary Matter

2. I have adopted the description of development as it appears on the application form.
3. The National Planning Policy Framework (July 2021) (Framework) was revised in September 2023. However, the relevant design and heritage policies of the Framework remain unchanged in the September 2023 version.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host property and surrounding area.

Reasons

5. The Council's reason for refusal refers to policy CS14 of the Merton Core Planning Strategy (July 2011) (MCS), policies DM D2, DM D3 and DM D4 of the Merton Sites & Policies Plan (July 2014) (MSPP) and policy D4 of The London Plan (March 2021) (TLP). Combined, these policies seek, amongst other requirements, to ensure that new development: is of a good quality design; reflects and reinforces local character; relates to the siting, rhythm, scale, height and proportions of surrounding buildings; respects the original building in terms of form, scale, bulk and overall character; and conserves and enhances the setting of designated heritage assets.
6. Paragraph 130 of the Framework, which post-dates the policies in the MCS and MSPP also states that being sympathetic to local character should not prevent or discourage appropriate innovation or change. Paragraph 44 of The National Design Guide (NDG) (January 2021) reinforces the Framework by emphasising that well designed places do not need to copy their surroundings and that it is appropriate for new development to include innovation and change to reflect how we live today.
7. The Council contend that the proposal would have an impact on the setting of the Lambton Road Conservation Area (LRCA). However, I have not been provided with a copy of the plan for the LRCA or the Lambton Road Character Assessment (dating from 2005). Even so, the Council's Delegated Report (CDR) indicates that its finding on the impact on the setting of the LRCA derives, in part, from a recent appeal decision at 35 Pepys Road, dated 29 March 2023 and ref. APP/T5720/D/23/3305640. Where a site lies within the setting of a conservation area, section 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires, of course, that special attention be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Similar advice is to be found in the Framework and in the policies of the development plan referred to above.
8. However, having read the 29 March 2023 appeal decision, the nature of that proposal and its local context, were completely different, in my view, to those that arise with the current appeal. That decision related to an extension to the rear outrigger, where the rear of that property abutted the LRCA. In the decision, the Inspector noted that the Lampton Road Character Assessment had identified that unsightly box like rear extensions, including those on Pepys Road outside the conservation area, were a negative feature of the LRCA. This contrasts with the current appeal proposal, which is for a modest new front dormer and where, as I understand it, the closest part of the LRCA boundary to the appeal site is to the north west and on the opposite side of Pepys Road. For these reasons, I am not convinced that the appeal proposal lies within the setting of the LRCA or would have any impact on it.
9. The proposed dormer would be sited on the right hand side, when viewed from the road, of the main roofs front elevation, with the proposed hipped ridge in line with the existing ridge to the host property. The new dormer would be sited well above the exiting eaves and marginally set in from the edge (side) of the main roof. The proposed windows would be proportional and aligned with the existing windows below, and the tiling to the roof and dormer sides would match existing. As such, the proposed dormer would not be out of keeping with the host or with the character and appearance of the surrounding area.

10. I accept that the proposed dormer would result in a change to the appearance of the host property. However, I disagree with the Council and consider that the new dormer would be proportionate and subservient to the host, and would not result in an incongruous form of development. The new dormer would sit comfortably on the front roof plane and would successfully integrate with the host property and surrounding area. That finding is supported by the fact that the design of the host is somewhat unique in that it was I understand only built in 1991. It differs, therefore, from the older more traditional properties found on other parts of Pepys Road and within the LRCA. Moreover, the frontage of the host has a simple design and the proposed dormer, with its hipped roof design, would add greater interests and quality to the front elevation. It would also integrate well with its neighbour, 60 Pepys Road (No.60), to the north and must also be viewed in the context of the poor quality three storey flat roofed blocks of flats located either side of the host and No.60 that visually dominate this part of the streetscene.
11. The CDR indicates that dormers on the front elevation are only normally permitted in exceptional circumstances. It is unclear where this statement emanates from. Even so, the CDR indicates that those circumstances include where a proposal is consistent with the original architecture and detailing of the building. As I have found, the proposed dormer would sit comfortably on the front elevation to the host property. The CDR states that other circumstances are where dormers are a characteristic of the area. The Council contend that is not the case here, a view that is not shared by the Appellants whose Grounds of Appeal refer to a number of examples of front and side dormers on Pepys Road. Whilst I viewed some of these examples on my site visit, even if they did not exist, dormer windows are, in my view, a commonly used and successful design feature of loft conversions, as would be the case with the appeal proposal.
12. Accordingly, I find that the proposed dormer is acceptable and that it would represent a sympathetic, appropriate and high quality addition to the host property. Whilst I am not convinced that the proposal lies within the setting of the LRCA, even if it did, for the above reasons, I am satisfied that the proposal would preserve the character and appearance of the LRCA, as a whole, in that it would leave it unharmed. The appeal proposal would thus be in accord with policy CS14 of the MCS, policies DM D2, DM D3 and DM D4 of the MSPP, policy D4 of TLP, and the corresponding policies of the Framework.

Conditions

13. I have considered the Council's suggested conditions against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions. A condition requiring compliance with the submitted plans and for materials to match existing or otherwise be as shown on the application form are necessary and reasonable to secure a high-quality development.

Conclusion

14. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR