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# Appeal Decision

Site visit made on 13 February 2024

**by M Ollerenshaw BSc (Hons) MTPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 February 2024**

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**Appeal Ref: APP/T5720/W/23/3328691**

**1A Landgrove Road, Wimbledon, Merton, London SW19 7LL**

- 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 Lin Liu against the decision of the Council of the London Borough of Merton.
  - The application Ref 23/P0577, dated 27 February 2023, was refused by notice dated 25 April 2023.
  - The development proposed is loft conversion with rear dormer.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023. The revised Framework does not materially alter the national policy approach in respect of the issues raised in this appeal. Since their cases would not be prejudiced, I have not consulted the main parties on the revised Framework.

## Main Issues

3. The main issues are the effect of the development proposed on:
  - the character and appearance of the host property and the surrounding area, including the Kenilworth Avenue Conservation Area; and,
  - the living conditions of the neighbouring occupiers of 1 and 3 Landgrove Road with particular regard to light.

## Reasons

### *Character and appearance*

4. The appeal site comprises a two storey terraced building located on Landgrove Road, which is a residential street composed of similar two storey terraced properties. The property, which is situated at the end of the terrace, has been converted into flats and includes an existing rear dormer and two storey rear outrigger with a mono pitched roof. There is a row of garages beyond the gable end of the property to the west.
5. The appeal site is within the Kenilworth Avenue Conservation Area (CA). I have considered the effect of the scheme in the context of the obligations under the

Act<sup>1</sup>, which requires special regard to be given to the desirability of preserving the character or appearance of the CA.

6. The significance of the CA derives partly from the semi-detached and terraced dwellings of good architectural quality, of which the appeal property is an example, comprising attractive bay windows, decorative door and window surrounds, and well-ordered roofscapes, including front gable features. Two storey pitched roof outriggers, such as that to the rear of the appeal property, are a feature of the area. Properties follow linear building lines and are set back from the road behind low walls, railings and hedges. The uniformity of the properties, their strong architectural rhythms and street scene presence contribute positively to the character and appearance of the CA.
7. The proposal is for a flat roofed dormer extension which would be erected above the existing two storey rear outrigger and would link into the rear roof slope of the property. The new accommodation would provide an en-suite bedroom. Although the proposed dormer would not project beyond the side or end walls of the outrigger, and would sit below the main ridge, the way that it would occupy a significant part of the outrigger roof means that it would be a top heavy and dominant addition to the roof of the property. It would contrast with the unbroken roofs of the outriggers to the rear of the terrace and be noticeably taller than the others in the row. Notwithstanding the use of roof tiles to the dormer walls to match the existing roof, the box-like design would not relate well to the host building or the other outriggers to the rear of this terrace, which are characterised by their pitched roofs. Consequently, the proposal would disrupt the rhythm and uniformity to the rear of the terrace.
8. I accept that the affected roof slope would be to the rear of the building, but the side of the outrigger is clearly visible from Landgrove Road. The elevated siting of the proposal would render it a noticeable and discordant feature within the street scene and from neighbouring properties and their gardens.
9. Whilst there are other rear dormers in the locality, the ones I observed during my site visit are situated to the main roof slopes of properties and do not project over the roofs of rear outriggers. Moreover, they have much smaller proportions than the appeal proposal and read as subordinate additions. Therefore, the other dormers do not justify the harm I have identified.
10. For the above reasons, I conclude that the proposed development would be harmful to the character and appearance of the host property and the area, and would fail to preserve or enhance the character or appearance of the CA. Accordingly, it would conflict with Policy D4 and HC1 of the London Plan (2021), Policies DMD2, DMD3 and DMD4 of the Merton Council Sites and Policies Plan and Policies Maps (2014) (SPPPM) and Policy CS14 of the London Borough of Merton LDF Core Planning Strategy (2011) (CS). Amongst other things, these policies require that all development be designed in order to respect, reinforce and enhance the local character of the area in which it is located, in addition to conserving the significance of heritage assets.
11. Although the proposed development would have a localised effect on the significance of the CA due to its position, I afford considerable weight to the less than substantial harm that would be caused. Framework paragraph 208 states that where a development proposal would lead to less than substantial

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<sup>1</sup> Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990

harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use. The proposal would provide additional living accommodation for the benefit of the occupants of the property. However, this is not a public benefit and therefore carries limited weight. I do not find that there are any public benefits that would outweigh the less than substantial harm that I have identified.

### *Living conditions*

12. The ground floor flat at 1 Landgrove Road contains windows to the rear elevation and east facing side wall of the outrigger. Given their position beneath the proposed development, these windows would not be significantly affected in terms of light. The flat also contains patio doors to the rear elevation of the main part of the building. These doors are already overshadowed due to their position recessed from the outriggers on either side. The development would be set a considerable height above the patio doors, and given its significant depth and length along the boundary, would be likely to result in increased overshadowing to the patio doors, which are fully glazed.
13. The attached neighbouring property, 3 Landgrove Road, contains a first floor bedroom window to the rear elevation and side facing windows in the rear outrigger. The first floor side facing windows in the outrigger serve a bathroom and small study. As these are not considered habitable spaces, any loss of light to these would not be significantly harmful to the neighbouring occupier's living conditions. The neighbouring property also has a single storey rear infill extension. Given the number of rooflights by which it is served this would not be significantly overshadowed. However, the first floor bedroom window to the rear elevation is recessed from the outrigger. Due to the depth and height of the proposed extension, and its proximity to the boundary with No 3, I consider that the proposal would result in significant loss of light to the neighbour's bedroom window.
14. For the reasons stated above, I conclude that the proposal would adversely affect the living conditions of the neighbouring occupiers of 1 and 3 Landgrove Road with regard to light. The proposal would therefore conflict with Policy DMD2 of the SPPPM and Policy CS14 of the CS. Together, these broadly require high quality development which ensures that the living conditions of existing occupiers are not unduly diminished.

### **Conclusion**

15. For the reasons stated above, I find that the appeal proposal would be contrary to the relevant policies of the development plan, would have an unacceptable adverse impact on the living conditions of occupiers of neighbouring properties, would fail to respect local character and would cause less than substantial harm to the significance of the CA. This harm is not outweighed by the public benefits arising from the proposed development.
16. For the reasons given, I conclude that the appeal should be dismissed.

*M Ollerenshaw*

INSPECTOR