



Appeal Decision

Site visit made on 4 April 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2024

Appeal Ref: APP/T5720/W/23/3331881

26 Ridgway Place, Wimbledon, Merton, London SW19 4EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Alex Liu against the decision of London Borough of Merton.
 - The application Ref is 23/P1732.
 - The development proposed is demolition of existing dwelling for replacement dwelling including a basement.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. It was requested that I view the appeal site from 24 and 28 Ridgway Place, and I was able to do so at my visit.

Main Issues

3. The main issues are the effect of the proposal on the:
 - Living conditions of residents of No 24 with regards to outlook; and
 - Character and appearance of the area.

Reasons

Living Conditions

4. The existing dwelling on the appeal site projects beyond the rear elevation of No 24. Due to this projection and the difference in site levels, the existing side wall is a prominent feature in views from the rear of No 24, particularly from that part of the garden adjacent to the dwelling which is used as a sitting-out and patio area. Indeed, the rear elevations of both neighbouring properties project beyond the rear elevation of No 24, giving the external amenity area to the rear of the dwelling a degree of enclosure.
5. The appeal proposal would project further to the rear than the existing dwelling on the appeal site and would be of a greater height. The appellant contends that there would be a generous separation to the common boundary, but the separation distance would reflect that of the existing dwelling which is relatively closely spaced.
6. Due to its greater projection and scale compared to the existing dwelling, the appeal proposal would exacerbate the existing prominent relationship with No 24, leading to an overbearing and enclosing impact on the rear of the

neighbouring dwelling. The set back of the proposed rear elevation would do little to mitigate for the unacceptable relationship with No 24.

7. The rear garden of No 24 is relatively generous, but this would not mitigate for the harm to the outlook from the more sensitive area of the garden closest to the rear of the dwelling.
8. The appellant also refers to the relationship between other dwellings in the area. However, it has not been demonstrated that these are a direct parallel with the proposed relationship with no 24 or establish an overriding context, and in any event I have determined this appeal on its own merits.
9. The appellant refers to the 45-degree rule and the lack of an objection from the Council in relation to daylight and sunlight. However, these matters do not lead me to a different conclusion on the overbearing impact of the proposal on the rear garden of No 24 and residents' reasonable enjoyment of it.
10. I conclude that due to its scale and arrangement, the proposal would lead to significant harm to the living conditions of the residents of No 24 with regards to outlook. The proposal would therefore be contrary to Policy DM D2 of the Merton Sites and Policies Plan 2014 (MSPP) which seeks to ensure that the living conditions of existing and future occupiers are not unduly diminished.

Character and Appearance

11. Due to the sloping topography of the area, this part of the streetscape is characterised by buildings stepping down the slope. The dwelling at No 28 reflects this to a degree through the stepping down of the roof, although the change in scale between No 28 and the extant dwelling on the appeal site is still apparent.
12. The height of the roof and the eaves line of the appeal proposal would only be marginally lower than the stepped down roof of No 28. The roof height and eaves line of the front elevation would also be relatively consistent across the front of the proposed dwelling, notwithstanding the hipped crown roof and front gable. These factors would contribute to a jarring appearance of the dwelling which would not sit comfortably within the stepped down character of the streetscape. The Street Scenes submitted by the appellant serve to confirm my concerns on this matter, both in relation to the height and eaves line of the roof.
13. The proposed dwelling would also project forward of the main front elevation of No 24, although there is also a garage which projects further to the front than the appeal proposal. However, due to its bulk and scale including the crown roof, the proposed dwelling would be visible projecting above the garage of No 24, and indeed would be apparent as an obtrusive and bulky feature projecting over the main pitched roof and forward of the main elevation of No 24.
14. I therefore conclude that due to its scale, design and arrangement, the proposal would lead to significant harm to the character and appearance of the area. The proposal would therefore conflict with the design requirements of Policy DM D2 of the MSPP and Policy CS14 of the Core Strategy 2011.

Other Matters

15. The appellant submits that the appeal scheme has already been reduced in an attempt to overcome the Council's concerns. However, for the reasons set out above, the amendments made to the proposal are not sufficient to address the identified harm.

Conclusion

16. I therefore conclude that the appeal should be dismissed.

David Cross

INSPECTOR