



Appeal Decision

Site visit made on 21 October 2024

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2024

Appeal Ref: APP/T5720/W/24/3345546

3 Mansel Road, Wimbledon, Merton, SW19 4AA

- 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 Paul Wee against the decision of the Council of the London Borough of Merton.
 - The application Ref is 23/P3089.
 - The development proposed is the erection of an Annexe building in the rear garden of the property, to be used as an office / music room for purposes ancillary to the enjoyment of the residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on the character and appearance of the area, including the Wimbledon Hill Road Conservation Area, and upon the living conditions at 1 Mansel Road, with particular regard to visual impact.

Reasons

Character and Appearance

3. The appeal property is a semi-detached dwelling dating from the late 1880s. It sits amongst similar style and aged properties. Its attached neighbour at No 1, sits at the end of a run of dwellings and adjacent to Trinity Church to the north. The rear garden to the appeal property is deep, extending to over 50m, in common with the sizes of most others to this side of the road. The rear garden to No 1 is considerably shorter and truncated by the garden to the appeal property which wraps around the neighbour's rear boundary. The rearward most part of the garden to No 3, which is behind the garden to No 1, is enclosed to the north side by the tall flank wall of the Mansel Road Centre (hall). The site sits within the Wimbledon Hill Road Conservation Area (CA), a reasonably small but mixed area including town centre uses along Wimbledon Hill Road and residential neighbourhoods. Due to their architectural quality, the dwellings along Mansel Road contribute positively to the character and appearance of the CA although their rear gardens are out of sight from the public domain due to the enclosed street frontages.

4. The proposal is to erect a detached outbuilding within the rear garden of the appeal property from traditional brick construction and with decorative brick detailing and ornate fenestration. It would measure approximately 6.3m wide, 8.2m long, and 3.9m high to eaves with a flat roof. The building would be positioned around 1.4m beyond the rear garden boundary to No 1, with a line of pleached trees proposed to be planted within the intervening space between both.
5. The gardens to the rear of the dwellings to this side of Mansel Road combine to create a green oasis. However, they are not undeveloped. Typical garden outbuildings exist amongst them. Some are modest and inconspicuous, other examples, where planning permission has been granted, are much larger, as has been exemplified by the appellant. An ancillary outbuilding with a similar overall height to the appeal proposal and with a fairly large footprint within the rear garden of 11 Mansel Road was granted planning permission in October 2020 (Ref 20/P2735). A further similar example described as a *'single-storey outbuilding to rear for use as a gym'* at 15 Mansel Road was granted planning permission in October 2021 (Ref 21/P2956). Mindful also of the potential to erect a building with a dual pitched roof up to 4m in height as permitted development, I am not persuaded that the garden setting of the appeal site is overly sensitive to change through the construction of a residential outbuilding.
6. In addition, in this instance the proposed building would sit close to, and be seen within the context of, the dominant and significantly imposing elevations of the nearby church and hall beyond. These project a scale of development in this particular location that is a long-established part of the immediate area's setting.
7. Overall, given the secluded nature of the rear gardens along Mansel Road and the context of existing development surrounding, I am satisfied that the proposed building would not appear out of keeping or overly dominant. The general character and appearance of the area would therefore be unharmed and as such the CA's significance as a designated heritage asset would be unaffected. In these circumstances I find no conflict with Policies CS 13 or CS 14 of the Council's LDF Core Planning Strategy (CPS), adopted in 2011, Policies DM D2, DM D3 or DM D4 of the Council's Sites and Policies Plan (SPP), adopted in 2014, or The London Plan 2021 (LP) Policies D1 or D4.

Living Conditions

8. The rear garden to No 1 is not small. Nevertheless, it is noticeably much shorter than the neighbouring garden to No 3 and most other properties to this side of Mansel Road. In addition, it suffers a significant sense of enclosure by the tall and imposing presence of Trinity Church and the hall beyond, which sit very tight to the property's side boundary and run along its entire length without any meaningful relief. As such, the garden to No 1 benefits far less from the spacious and natural qualities that otherwise characterise the rear garden settings in the immediate area.
9. Due to the local topography, land levels of the rear gardens rise away from the dwellings. The rear garden of No 3 has two stepped tiers leading up to the position of the proposed outbuilding. The garden to No 1 slopes up to an equivalent level and has an approximate 2m high fence along its rear boundary line at this raised level. The proposed building's rear elevation would span almost the full length of the rear boundary to No 1 and would rise to a height

of almost 4m, significantly exceeding the height of the existing fence and that of a typical garden enclosure.

10. Despite the mature vegetation within the garden to No 1, it was evident to me during my visit that the proposed building would be clearly seen, more so at certain times than others depending upon the seasons, and close to the foot of the garden, imposing itself as a tall and harsh presence. Its visual dominance would be exaggerated in longer views from the lower levels of the garden due to its elevated position. The proposed new planting would add an element of screening; however, this would not hide the building from sight. Neither do I consider that such mitigation should be relied upon to screen the harmful impact of any proposed development.
11. I recognise that the proposed building would be separated from the rear elevation of No 1 by a distance of around 25m. This would ensure that there would be no impact upon the outlook from the dwelling. With no windows to the rear elevation of the proposed building, neither would there be any potential for harm through overlooking.
12. Nevertheless, a strong feature of the rear garden setting to this side of Mansel Road is its verdant qualities and sense of openness. The appellant references the scale and impact of the immediately adjacent hall. Whilst this building clearly impacts the wider character of the locality, it does not sit to the rear of any dwelling or directly within a residential garden setting. Its presence marks a distinct change, albeit abrupt, away from residential garden use. Moreover, the effects of this adjacent development, together with the church building, are felt most by the overbearing sense of enclosure they impose upon the garden of No 1. The appeal proposal would unduly contribute further to this sense of enclosure, appearing as an overbearing and dominant presence that would be both visually intrusive and harmful to the garden's spacious qualities which the neighbours may expect to enjoy in this location.
13. I am unable to find any conflict with the Council's strategic policies within the CPS or with those of the LP which have been specifically referred to in the decision notice. Policy DM D3 of the SPP deals specifically with alterations and extensions to existing buildings and is therefore not relevant. However, by failing to protect the quality of the neighbour's amenity space and their living conditions, the proposal would not display the quality of design that is required by SPP Policy DM D2. For the same reasons there would be conflict with the National Planning Policy Framework's objectives for achieving well-designed places.

Conclusion

14. Notwithstanding my findings with regard to the first main issue, for the reasons given, I find that the proposal would be harmful to the living conditions at 1 Mansel Road.
15. I recognise the appellant's desire to provide a dedicated space to practise and rehearse the piano, and by doing so to make provision and improvements within the home to meet the needs of his family. I am also mindful of the appellant's ability to construct an outbuilding with the benefit of permitted development, although this could not resemble the appeal proposal in this position. Notwithstanding, when taken together these factors fail to outweigh

the harm that I have identified or the conflict with local and national planning policy.

16. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR