



Appeal Decision

Site visit made on 3 December 2024

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2024

Appeal Ref: APP/T5720/W/24/3346836

26 Ridgway Place, Wimbledon, Merton 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 the Council of the London Borough of Merton.
 - The application Ref is 24/P0248.
 - The development proposed is the demolition of existing dwelling for replacement dwelling including a basement.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. After the Council determined the planning application, it adopted Merton's Local Plan to 2038 (Local Plan) on 20 November 2024. The Local Plan is now the Council's development plan, and it supersedes the Core Planning Strategy, the Sites and Policies Plan and the Policies Map (2014). In determining this appeal, I have taken into account the comments received on the Local Plan and made my decision against it.
3. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. As the changes are not material to the proposal, further comments were not sought from the parties.
4. This appeal follows previous appeal decisions earlier in December 2024¹ and in April 2024² for similar proposals on the appeal site. These decisions are material considerations in this case given the similarities of the proposals and the issues raised as a result.

Main Issues

5. The main issues are the effect of the proposed development on: (a) the character and appearance of the area; and (b) the living conditions of the occupants of 24 and 28 Ridgway Place, with regards to outlook, privacy, sun and daylight.

Reasons

Character and appearance

6. The appeal site comprises a mid-20th-century detached two-storey house in an area characterised by detached and semi-detached residential properties displaying a range of architectural styles and materials. The properties do nevertheless display a traditional form and a scale and massing that respond

¹ Appeal Decision Ref: APP/T5720/W/24/3338969

² Appeal Decision Ref: APP/T5720/W/23/3331881

to the changing ground levels on Ridgway Place as they rise from its junction with Worple Road. There is, however, variation in the roof style across the road. Despite the addition of new developments in recent times, properties are generally set back from the road and have modest front gardens and/or off-street parking provision. Although there is some minor variation in the front building line of each property, there is a general consistency.

7. A single-storey garage projects forward of the main body of the two-storey dwelling at 24 Ridgway Place. The garage also extends in front of the dwelling currently on the appeal site, which is also in front of the main elevation of No 24. The existing dwelling rises above the garage when the site is viewed from the southeast, but its varied front building line allied with the use of hipped roofs, means that it does not feature prominently in the street scene.
8. While amendments have been made to the scheme to reduce the proposed dwelling's scale, mass, and bulk, and alter its design, the proposal would still result in the introduction of an obtrusive and bulky development that would be visually prominent in the street scene, especially when viewed from the southeast. Even with the lower roof form closest to No 24 and the general conformity of building lines, neither factor would alter the proposal's harmful effect, as a good portion of the front section of the proposed dwelling would rise above No 24's garage.
9. The proposed dwelling does not need to replicate neighbouring properties given the variety in the road, but its scale, massing, and bulk do nevertheless need to take into account the site's context. In this case, I do not consider the proposed response acceptable.
10. That said, the height of the proposed hipped roof would step down and act as a transition between the heights of Nos 24 and 28. While the proposed dwelling's eaves height would only be just under the ridge of No 24, this would be an acceptable design response given the scale, massing, and height of the dwellings at 28 to 30a. As such, the proposal would integrate with the existing rhythm and stepped down character of properties on Ridgway Place.
11. Further, while the proposed dwelling would be of a greater depth than the existing dwelling and would occupy more of the rear garden, its depth, scale, and massing would broadly reflect the dwellings at Nos 28 to 30a. A planning condition could be imposed were I minded to allow the appeal to secure suitable external materials to reflect the range of materials used locally.
12. For the reasons set out, I conclude that the proposed dwelling would harm the character and appearance of the area. The proposal would not accord with Local Plan Policies D12.1, D12.2, and D12.3, which jointly seek, among other things, development to be of the highest standard of design, have an appropriate street-level presence and roofscape that creates a positive relationship to neighbouring buildings, and have a scale, height, mass, bulk, and form to its context.

Living conditions

13. Ground levels on No 26 are higher than those at No 24. A boundary fence lines the shared boundary, but the existing dwelling at No 26 is in an elevated position compared to No 24. Properties lining Ridgway Place are sited fairly close together, and there is variety in the rear building lines of properties.
14. To the rear of No 24 is a kitchen on the ground floor nearest to the shared

boundary with the appeal site. On the first floor, there appear to be three rear-facing bedroom windows. To the side of No 24 are four openings, two of which are doors, and two are windows. All these openings are obscure glazed.

15. The proposed dwelling would extend alongside the flank elevation of No 24 and maintain a separation comparable to the existing relationship. A staggered rear building line is proposed with the section closest to No 24 set back from the rearmost part, though it would still extend beyond the rear elevation of No 24. The proposed first floor nearest to No 24 would, however, be recessed from the ground floor of the proposed dwelling.
16. Amendments have been made since the most recent appeal decision that would see the ground floor section closest to No 24 pulled further back, and a section to the centre removed entirely. This would mean that the ground and first floors of the proposed dwelling would be behind a 45-degree line when taken from the nearest rear-facing windows in Nos 24 and 28. Although the proposed dwelling would have a greater bulk, scale, massing, depth, and height, on balance, it would not cause an unacceptable overbearing or visually intrusive impact on existing neighbouring occupants and their outlook.
17. No 24 enjoys a good-sized rear garden with a patio directly to the rear of the dwelling. While the proposed dwelling would be larger and extend to the rear in a different manner than the existing situation, the amendments have reduced the additional built form to the rear, which, in turn, would lessen the degree of enclosure. I therefore consider that the occupants of No 24 would maintain a high standard of amenity due to the size of the garden, its orientation, and the existing site context.
18. Furthermore, there would not be an unacceptable impact on the privacy of the occupants of Nos 24 and 28 and their rear gardens given the existing mutual overlooking that is possible from each dwelling into the associated rear gardens. The proposed front and rear outlook would reflect the typical location of windows in neighbouring properties and thus the outlook from them. Hence, it would not be necessary to require the first-floor windows in the proposed first-floor rear elevation to be obscure glazed.
19. Although concerns have been raised about sun and daylight in the bedroom within the roof space of No 28, there is a roof light also serving this space. Further, the ground floor flank elevation window is not the main opening serving this room, which is to the rear of No 28, and would not be harmfully affected as the proposed rear building line would be behind the 45-degree line from this opening, even if the rear ground floor has an L-shaped layout. The rear lightwells are beyond No 28's rear boundary, and while the proposed dwelling would be to the southeast of them, the sun and daylight received is already affected by existing built form at Nos 26 to 30a, and the proposal would not materially change that.
20. Further, given the siting and orientation of Nos 24 and 26, the proposal would not cause an acceptable impact on daylight / sunlight levels and overshadowing to No 24.
21. I conclude that the occupants of Nos 24 and 28 would maintain acceptable living conditions, and as a result, the proposal would accord with Local Plan Policies D12.1 and D12.2. These policies jointly require developments to ensure scale, height, mass, bulk, and form are appropriate to their context and their visual impact is appropriate in short, mid, and longer views. Further, the development is appropriate for its proposed use and function.

Other Matters

22. The proposed layout would include adequate space for two vehicles to be parked off the road, and the proposed arrangement would reflect the wider area. The proposed dwelling would also incorporate measures to reduce energy consumption, to minimise carbon emissions, and to recycle rainwater. These matters carry neutral weight given the objectives of the Framework.
23. Although there are concerns that the proposed dwelling could be used for another purpose, I have considered the appeal based on the development that has been applied for. While I also note the amendments made and the efforts made by the parties to find a solution to develop the site as proposed, this does not change the harm that I have identified to the character and appearance of the area.

Conclusion

24. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
25. For the reasons given above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR