



Appeal Decision

Site visit made on 11 February 2025

by **Ryan Cowley MPlan (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 February 2025

Appeal Ref: APP/T5720/D/24/3348464

27 Wilton Crescent, Wimbledon, London SW19 3QY

- 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 Mrs Beverly Snell against the decision of the Council of the London Borough of Merton.
 - The application Ref is 24/P0588.
 - The development proposed is loft Conversion to form second floor and the installation of 2No. of Velux Roof Balcony System to the right side of roof and Two No. Velux window to the left side of roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit I saw that the roof space has already been converted and the rear window, rooflights and balcony systems have been installed. The appeal is therefore considered retrospectively.

Main Issues

3. The main issues are the effect of the development on:
 - The character and appearance of the non-designated heritage asset at 27 Wilton Crescent (NDHA) and the surrounding area, including the John Innes - Wilton Crescent Conservation Area (CA); and
 - The living conditions of the occupiers of 25 Wilton Crescent, with particular regard to privacy.

Reasons

Character and appearance

4. The appeal site comprises a traditional two storey dwelling. It features a dual-pitched roof design with front and rear facing gables. The dwelling sits among several similar house types in this part of the street. The evidence indicates that planning permission¹ was previously granted for a roof conversion with rooflights to either side of the roof slope.
5. The host dwelling is locally listed and therefore considered a NDHA. Paragraph 216 of the National Planning Policy Framework states that the effect of an

¹ Council Ref 22/P3508

application on the significance of a NDHA should be taken into account in determining the application. In weighing applications that directly or indirectly affect NDHAs, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset

6. The site is at the western edge of the CA. This area is characterised by a mix of detached and semi-detached 2-storey traditional dwellings. Along Wilton Crescent, the high quality and harmonious appearance of the dwellings and their setting has been well preserved. Though the host dwelling is partially clad in pebbledash and has been extended to the rear, it retains many traditional features. In traditional proportions, materials and arrangements, the properties along the street make a positive contribution to the significance and historic coherence of the CA.
7. The development has created additional living accommodation at second floor level through the conversion of the roof space. With regard to the south facing balcony systems, these are partially screened in views from the street when closed, due to the position of the chimney stack and tree planting in the front garden of the property and highway verge. However, the elongated form of the windows and projecting rails can still be seen from public vantage points.
8. Moreover, when opened, the balcony system forms a significantly more prominent addition to the roof slope, with a balustrade and canopy formed from the open windows. Viewed from the street, this is an incongruous structure that detracts from the traditional form and appearance of the host dwelling and is out of keeping with neighbouring properties.
9. I recognise that contemporary rooflights have been installed in other dwellings in the vicinity, including at 25 Wilton Crescent. While this and other examples do not contribute to the significance of the CA, they are not of the same design and mechanism as the appeal scheme, and do not have the same impact on the character and appearance of the property and surrounding area when opened.
10. The balcony system therefore harms the character and appearance of the NDHA and surrounding area, including the CA, the preservation or enhancement of which I apportion great weight to. It would therefore not accord with the clear expectations of statute in this respect².
11. The development has a harmful effect on the character and appearance of the NDHA and the surrounding area, including the CA. It conflicts with Policy HC1 of the London Plan March 2021 (the London Plan), Policies DM D2, DM D3 and DM D4 of the Sites and Policies Plan and Policies Maps 09 July 2014 (the Sites and Policies Plan) and Policy CS14 of the LDF Core Planning Strategy Adopted July 2011 (the Core Strategy). These policies, among other provisions, seek to ensure proposals relate positively and appropriately to surrounding buildings and historic context, use appropriate architectural forms and detailing which complements and enhances the character of the wider setting, and conserve or enhance the significance of heritage assets. They also seek to ensure that alterations respect and complement the design and detailing of the original building.
12. With respect to paragraph 215 of the National Planning Policy Framework (the Framework), less than substantial harm would be caused to the significance of the CA, which is a designated heritage asset. The roof balcony system and glazing

² Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

would appear from the evidence provided to be advantageous to the appellant, however there would be insufficient public benefits to outweigh the identified harm.

13. Policies D1 and D4 of the London Plan set out requirements for Boroughs when preparing development plans and undertaking area assessments, concern the use of tools for design analysis, design review processes and maintaining design quality through to completion. Policy CS13 of the Core Strategy seeks to protect and enhance open space, biodiversity, and cultural, leisure, recreational and sporting facilities. I do not consider them to be directly relevant to this main issue.

Living conditions

14. The balcony systems are situated in the south facing roof slope, overlooking the adjacent property at 25 Wilton Crescent. I observed that, when opened, the balcony systems allow views from the second floor of the appeal site directly into the rear gardens of No 23 and No 25. I saw that these views are partially obscured by intervening vegetation and the ground floor extension to No 25. Views towards the garden of No 23 are also at some distance.
15. Nevertheless, views towards the immediate rear garden area of No 25, where I saw outdoor seating furniture, are closer and somewhat intrusive. I also observed that anyone stood in the open balcony area can see into the rooflights serving the ground floor accommodation of No 25. Direct views can be achieved without a person unduly extending themselves over the sides of the balcony. This has a deleterious effect on the level of privacy experienced by the occupiers of No 25.
16. I recognise that rear facing windows within the host dwelling and neighbouring dwellings create a degree of overlooking of rear garden spaces. However, these are typically oblique views, contained behind the exterior walls of the dwelling. Such relationships are commonplace in a suburban setting. This is not directly comparable to the provision of a balcony in a side facing roof slope providing a largely unenclosed high-level vantage point.
17. The development has an unduly harmful effect on the living conditions of the occupiers of 25 Wilton Crescent, with particular regard to privacy. It therefore conflicts with Policy CS14 of the Core Strategy and Policies DM D2 and DM D3 of the Sites and Policies Plan. These policies, among other provisions, seek to ensure that all development improves design standards and provides appropriate levels of privacy to adjoining buildings and gardens, and alterations to existing buildings do not diminish the living conditions of existing residents and respect the prevailing positive characteristics of the area. As above, I have not identified any direct conflict with Policy D4 of the London Plan, with regard to this main issue.

Other Matters

18. The appellant has requested that, in the event the south facing balcony systems are found to be unacceptable, the appeal is partly allowed in relation to the other rooflights and replacement rear gable window. However, the plans before me depict 2 rooflights of equal size and height on the north facing roof slope. I observed during my site visit that the rooflight in situ serving the stairwell is appreciably taller and in a slightly lower position, comparative to that serving the bathroom. I am not satisfied that the plans before me accurately depict the development on site. Accordingly, I do not consider that a split decision would be appropriate in this case.

Conclusion

19. The development conflicts with the development plan, taken as a whole. I have found no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR