



Appeal Decision

Site visit made on 24 June 2025

by **Megan Thomas K.C.** Barrister-at-Law

an Inspector appointed by the Secretary of State

Decision date: 16 July 2025

Appeal Ref: APP/T5720/D/25/3364315

33 Denmark Road, Wimbledon SW19 4PQ

- 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 Ms Meghan Chambers against the decision of the Council of the London Borough of Merton.
 - The application ref. is 24/P3394.
 - The development proposed is rear and side extension on ground floor with rear extension proposed on first and second floor.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is located in the Wimbledon West Conservation Area. The main issues in the appeal are
 - i) the effect of the proposal on the character and appearance of the host dwelling and Conservation Area including the effect on the appeal dwelling as a locally listed building, and
 - ii) the effect of the proposal on the living conditions of the occupants of 34 Denmark Road in relation to outlook and on the living conditions of the occupants of Nos 4 and 5 St Johns Road in relation to privacy.

Reasons

Character, appearance and heritage

3. The appeal site is a semi-detached dwelling on the south-west side of Denmark Road in Wimbledon. No.34 Denmark Road is its semi-pair to the north-west. No.6 St John's Road is on the corner of Denmark Road and St John's Road and is a semi-pair with no.5 which is to its south-west. No.5 is separated by garden from no.4 St John's Road which is situated to the south of the appeal dwelling's garden. No.35 Thornton Road is to the south-west of the appeal site with its rear garden having a common boundary with the appeal site.
4. The appeal site and its semi-pair are locally listed buildings as are a number of other dwellings in the area including numbers 21, 22, 35, 36, 39, and 40 Denmark Road. The appeal site is in the Wimbledon West Conservation Area.
5. The appeal dwelling has two storeys and a two-storey outrigger on the back, back-to-back with an outrigger on no.34 Denmark Road. It has a single storey

workshop/store attached to the rear of the outrigger. It has a roughly triangular-shaped rear garden. The proposed development comprises of three elements, a ground floor rear and side extension, a first floor rear extension, and a second floor rear extension in a mansard style. The proposed extension would project approximately 5.8 metres from the rear of the property and includes the demolition of most of the existing single storey workshop/store structure.

6. The focus of the appeal is the changes and additions at first and second floor level. At first floor level, the proposal involves widening and deepening the pitched rear outrigger by about 1.28m and about 1.9m respectively. A rear mansard extension would extend above the outrigger from the main roof extending to a depth of about 4.14m from the original rear elevation. The extension would involve raising the parapet wall facing no.34 by about 1.23m. The second floor extension would be used as an additional bedroom and a shower room.
7. The appeal dwelling forms part of a wider set of four pairs of semi-detached dwellings with a traditional Victorian character. The hipped roof profiles of similar dwellings in the locality have largely been maintained. First floor extensions are present in the locality, but these tend to simply deepen the existing profile of the outrigger, such as at nos. 35, 36, and 38 Denmark Road. I consider that the siting, scale, form and massing of the combined first and second floor extensions would be overly dominant and of excessive bulk when viewed in relation to the original dwelling and in relation to dwellings in the locality. The second floor mansard style extension with its partially flat roof, raised parapet and roof height matching that of the main roof ridge would appear top heavy and have an awkward and inharmonious relationship with the host dwelling. The legibility of the original dwelling would be lost. The use of natural and matching materials on the second floor extension would not sufficiently relieve or reduce the harm to the host dwelling. In coming to this view, I have borne in mind the demolition that would take place and the size of the rear garden.
8. Turning to heritage issues, I am mindful of the statutory duty in s.72 of the Planning (Listed Building and Conservation Areas) Act 1990 to give special attention to preserving or enhancing the character or appearance of the Conservation Area 'CA'. The significance of the CA includes its architectural and historic interest as an example of 19th Century and later residential suburb with a spacious and verdant character. This part of the Conservation Area is characterised by traditional Victorian dwellings. The site in particular forms part of a set of several pairs of semi-detached dwellings with a generally uniform and pleasing character. These elements contribute to CA significance.
9. In addition, I have borne in mind the local listing of the appeal dwelling, its status as a non-designated heritage asset and the approach set out in paragraph 216 of the National Planning Policy Framework to such assets. The following local listing relating to 33 and 34 Denmark Road provides a summary demonstrating the distinctiveness and architectural interest of those dwellings. 33 and 34 are thought to date from around 1860. The design uses some classical detailing. The materials used include yellow stock brick to the front façade with red stock brick on the flank walls. There is a slate roof, and detailing includes stone and stucco work. The main features of interest include round headed windows above the porches with brick arches and stone keystones, projecting square bay windows at ground floor level, with finely worked timber detailing, and sash windows with margined glazing bars.

The design of the building relates in broad terms to some others in the vicinity, in particular to nos. 35 and 36 Denmark Rd, which are also locally listed.

10. Whilst the proposed first and second floor extensions of the appeal dwelling would be seen mainly from private views as opposed to from the public realm, their deleterious impact on the appeal dwelling, which forms part of the CA, reduces the pleasing uniformity and character of the CA and the character of the dwelling as a locally listed building. Private views of conservation areas are not to be discounted. Consequently, I consider that the proposed first and second floor extensions taken cumulatively, would fail to preserve or enhance the character and appearance of the CA and would unacceptably harm the appeal dwelling in its capacity as a locally listed building. The harm would be “less than substantial harm” to the significance of the CA but I consider that the public benefits flowing from the proposed development such as the energy efficient renovation and expansion of a run-down part of the housing stock are outweighed by the harm I have identified.
11. Consequently, I conclude that the siting, scale, form and massing of the combined proposed first and second floor extensions would unduly harm the character and appearance of the host dwelling, its contribution to the area as a non-designated heritage asset, and would fail to preserve or enhance the character or appearance of the CA. It would be contrary to London Plan 2021 policy HC1, and policies D12.3, D12.4 and D12.5 of the Merton Local Plan 2024 -2037/38.

Living conditions of neighbours

12. No.34 Denmark Road is the semi-pair of the appeal site. It has a small rear garden. I consider that the combined effect of the long raised party wall/parapet (facilitating the second floor extension) and the proposed first floor extension projecting beyond the original outrigger at no.34 would result in an unacceptable sense of enclosure for the occupants of no.34 when using their garden. I have borne in mind that when in their garden there would be oblique views of these elements of the appeal proposal, but nevertheless they would be sizeable and as a result the combined impact would be unduly overbearing.
13. No.5 St John’s Road lies to the south-east of the site. It is a semi-detached, extended property and its garden wraps around the dwelling in an L-shaped form. The appeal proposal includes the insertion of a Juliette balcony window in the first floor extension south east side. This would be a tall window and would allow actual overlooking (and also a strong perception of being overlooked) of the occupants of no.5 St John’s Road when in their garden. This would unacceptably detract from their privacy. I was able to confirm this on my site visit by seeing the existing views from the rear-most south-east facing window in the first floor of the outrigger (the proposed window would be further south west than this existing window). I note that the appellant has indicated that the proposed Juliette balcony window could be changed to, inter alia, a much smaller standard window which would avoid this unacceptable harm, by use of a planning condition. If the appeal was not being dismissed, I agree that an appropriate planning condition could have overcome that harm.
14. No.4 St John’s Road is located to the south of the site and has some flank windows facing the appeal site. No. 35 Thornton Road also has rear windows facing the appeal site. I have considered potential loss of privacy for the occupants of both no.4 St John’s Road and no.35 Thornton Road from all of the proposed first floor

and second floor windows in the appeal scheme, however, I consider the separation distances from such windows to the gardens and windows of these two dwellings to be sufficient to avoid unacceptable loss of privacy given the urban context.

15. Consequently, in relation to this second issue relating to amenity, whilst I have not found that there would be harm through loss of privacy to the occupants of no.4 St John's Road and that harm to the privacy of the occupants of no.5 St John's Road could be overcome by a putative planning condition, I conclude that there would be an unduly harmful impact on the living conditions of the occupants of no.34 Denmark Road through loss of outlook. This would be contrary to policy D12.3 (3)(g) of the Merton Local Plan 2024 -2037/38.

Conclusion

16. Having considered all representations made, for the reasons given above, I dismiss the appeal.

Megan Thomas KC
Inspector