



Appeal Decision

Site visit made on 26 May 2026

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2026

Appeal Ref: APP/T5720/C/24/3350509

45 Gladstone Road, London SW19 1QU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended.
- The appeal is made by Mr Philippe Fezans against an enforcement notice issued by the Council of the London Borough of Merton.
- The notice was issued on 19 July 2024.
- The breach of planning control as alleged in the notice is *without planning permission and within the last four years, the erection of a roof extension including hip-to-gable, 2 rear dormers and the raising of the roof ridgeline*.
- The requirements of the notice are:
 - (a) *Permanently reduce the ridgeline to its original height prior to the breach of planning control as shown on the photo as appendix LBM1.*
 - (b) *Permanently remove from the Land all materials, rubbish and debris associated with compliance arising from step 5 (a) above.*
- The period for compliance with the requirements is: *within 3 months from the date this notice takes effect.*
- The appeal is proceeding on the ground set out in section 174(2)(a) of the 1990 Act (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Formal Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the erection of a roof extension including hip-to-gable, 2 rear dormers and the raising of the roof ridgeline at 45 Gladstone Road, London SW19 1QU.

Preliminary Matters

2. Since the Council issued the enforcement notice, the new Merton Local Plan 2024 – 2037/38 (MLP) has been adopted in November 2024. As such, I have taken it into account in my decision.

Appeal under ground (a), the deemed planning application

Main Issue

3. The main issue is the effect of the retention of the roof extension on the character and appearance of the host property and the street scene; and whether it preserves or enhances the adjacent Bertram Cottages conservation area (BCCA).

Reasons

Character and appearance and impact on the BCCA

4. The significance of the BCCA is principally derived from special architectural-artistic merit. The cottages are built of London stock brick with slate roofs and

white painted timber framed windows and doors. Chimney stacks of London stock separate each pair, with many of the cottages retaining original features. The cottages are two storeys, arranged in symmetrical pairs, most pairs sharing a central projecting gable end, which houses the front entrance. At the first floor level the gables exhibit blank brickwork decorated with a diagonal pattern in red brick.

5. Residential development continues beyond the BCCA to the north and south, on the eastern side of Gladstone Road and the western side of Hartfield Road, the latter also including larger scale commercial properties. The appeal site is sited in Gladstone Road which is located within a short distance to the main commercial area of Wimbledon town centre. Whilst the appeal site adjoins the BCCA, it is nevertheless located outside the BCCA boundary as shown on the submitted conservation area map and confirmed by the Council in their questionnaire.
6. The appeal site is a semi-detached property with a traditional appearance, which is similar in scale and age to Bertram Cottages. Nevertheless, the boundaries are clearly delineated because of the unique character of Bertram Cottages themselves, the only exception being at the south-west corner of the conservation area, where a pair of 19th century houses, Nos. 112 to 114 Hartfield Road, have also been included.
7. The appellant applied for planning permission¹ in December 2022 for the conversion of the roof space and raising the ridge height. In terms of the height increase at the ridge this amounted to 25cm in order that usable headroom was obtained within the roof extension. The Council refused the application, considering the scale, design, form and raising of the ridge height, failed to preserve or enhance the adjacent BCCA, and harmed the character of the host dwelling and street scene.
8. The appellant redesigned the roof conversion, including lowering the ceilings internally in order that the development would meet with the 'permitted development' (PD) requirements of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). This was constructed prior to obtaining a lawful development certificate (LDC).
9. The appellant subsequently sought an LDC² under section 191 of the 1990 Act (as amended) following the completion of the works, for an existing gable and dormer loft conversion. However, during the construction phase the provision of modern ridge tiles created a minor increase of approximately 5cm above the original ridgeline. Both parties acknowledge that the development as constructed exceed the tolerance of PD as set out in the GPDO. The question, therefore, is whether the development as constructed would have a harmful effect on the character and appearance of the host property, the street scene and the setting of the adjoining BCCA.
10. Paragraph 219 of the National Planning Policy Framework (the Framework) requires new development within the setting of conservation areas to enhance or better reveal its significance. The Framework defines the setting of a heritage asset as "*the surroundings in which a heritage asset is experienced.*"

¹ London Borough of Merton Planning Ref: 22/P3698

² London Borough of Merton Planning Ref: 24/P0508

11. The Bertram Cottages Boundary Assessment³ highlights that the houses beyond the north and south boundaries in Gladstone Road (including the appeal site), are terraced or semi-detached, two storey 19th century houses of conventional design, with ground floor bay windows and other features which are found in many of the streets surrounding Wimbledon town centre and in other parts of south London. As such, they do not appear to be sufficiently distinctive to merit inclusion within the conservation area. Many of these properties have also been subject to external alterations at ground floor and roof levels.
12. During my site visit I noted several rear dormer and other roof extensions of varying sizes and forms in Gladstone Road just outside the BCCA. *Case law*⁴ has established that proposals must be judged according to their effect on a conservation area as a whole and must therefore have a moderate degree of prominence.
13. Given the tight nature of the properties in Gladstone Road and the BCCA, views of the rear from public vantage points are extremely restricted and limited to glimpses only. Nevertheless, whilst the rear elevations are not as prominent as the front, many of the other roof extensions in Gladstone Road also appear to have raised the ridgeline. This feature is more visible and prominent from the front and street scene. Whilst I have not been provided with the planning history in respect to these developments, they do provide variation to the ridgelines outside the BCCA. By contrast, the minor increase of the ridgeline at the appeal site relative to these others is almost imperceptible.
14. Given that the properties outside the BCCA boundary, are not considered to be sufficiently distinctive to merit inclusion within the conservation area, these relatively minor alterations at roof level, in my view, do not detract from the Gladstone Road street scene or the architectural interest and thus the significance of the BCCA.
15. Whilst I acknowledge that the development at the appeal site is larger than allowed under PD, the minor increase to the ridgeline is relatively innocuous. Furthermore, the design of the development is read within the context of the existing area, and the development does not appear as an incongruous feature. As a result, the alterations to the roof subject to this appeal cause no harm to the character, appearance or significance of the BCCA, and are compatible with the local character, building proportions, form, materials and detailing.
16. The development at the very least preserves the character and appearance of the host property, street scene and the adjoining BCCA. The development therefore accords with the relevant provisions of MLP policies D12.1, D12.4 and D12.5; policy D4 of the London Plan, adopted March 2021; and the Framework. Collectively, these require development to be inclusive, sustainable, efficient and of a high quality of design to maintain the existing buildings across the urban and suburban environment, alongside the protection of heritage assets, amongst other things.

Conclusion on ground (a)

³ Dated 10/2025

⁴ *South Oxfordshire DC v SSE & J Donaldson [1991] CO/1440/89*

17. Overall, the development will not have a harmful effect on the character and appearance of the host property, the street scene nor setting of the BCCA. The development would therefore conform with the intentions of the relevant policies in the Local Plan and the Framework as detailed above.

Conditions

18. Given that the proposal is retrospective and is acceptable in terms of design and materiality, there is no need to attach the standard time limit, approved plans or a materials condition.

Overall Conclusion

19. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice. The enforcement notice will be quashed.

Robert Naylor

INSPECTOR