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## Appeal Decisions

Site visit made on 17 September 2018

by **J Ayres BA Hons, Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 10<sup>th</sup> October 2018

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### **Appeal A Ref: APP/T5720/W/18/3202793**

#### **13 - 24 Alwyne Mansions, Alwyne Road, Wimbledon, London SW19 7AD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Nick Selmes of Xuxax Limited against the decision of the Council of the London Borough of Merton.
  - The application Ref 17/P2396, dated 16 June 2017, was refused by notice dated 16 November 2017.
  - The development proposed is conversion of the existing roof space to create 4 new flats, forming dormer windows to the rear.
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### **Appeal B Ref: APP/T5720/W/18/3202797**

#### **13 - 24 Alwyne Mansions, Alwyne Road, Wimbledon, London SW19 7AD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Nick Selmes of Xuxax Limited against the decision of the Council of the London Borough of Merton.
  - The application Ref 17/P2397, dated 16 June 2017, was refused by notice dated 11 December 2017.
  - The development proposed is conversion of the existing roof space to create 4 new flats, forming dormer windows to the rear.
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## Decisions

### **Appeal A Ref: APP/T5720/W/18/3202793**

1. The appeal is allowed and planning permission is granted for conversion of the existing roof space to create 4 new flats, forming dormer windows to the rear at 13 - 24 Alwyne Mansions, Alwyne Road, Wimbledon, London SW19 7AD in accordance with the terms of the application, Ref 17/P2396, dated 16 June 2017, subject to the attached schedule of conditions.

### **Appeal B Ref: APP/T5720/W/18/3202797**

2. Appeal B is allowed and planning permission is granted for conversion of the existing roof space to create 4 new flats, forming dormer windows to the rear at 13 - 24 Alwyne Mansions, Alwyne Road, Wimbledon, London SW19 7AD in accordance with the terms of the application, Ref 17/P2397, dated 16 June 2017, subject to the attached schedule of conditions.

## Application for costs

3. An application for costs was made by Xuxax Limited against the London Borough of Merton in respect of Appeal A. This application is the subject of a separate Decision.

## **Main Issue**

4. The main issue in both of the appeals is the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to the privacy of the occupiers of properties in Compton Road and No 25 Alwyne Road.

## **Reasons**

5. The appeal site is a brownfield site within a residential area, and as such the principle of development is acceptable subject to compliance with the other policies in the development plan. Alwyne Mansions is a purpose built block of flats believed to date from around 1900-1910. The building is not listed, nor is it within a conservation area, however it does have some historic value and with regards to its architectural merit. It is three storeys in height, with bay windows projecting from the street facing elevation which span all three storeys with small gable roofs, set down from the main ridgeline.
6. To either side of the building is a side alley, used for bin storage. To the rear of the block is a communal garden stretching the length of the site. The rear of the building is some 10 metres from the rear boundary of the appeal site. Within the communal garden and along the boundary are a number of trees, varying in species and age. Beyond the boundary are the properties along Compton Road.
7. Both Appeal A and Appeal B would create an additional storey above flats 13 -24 which would provide four flats. Each flat would have one bedroom, and would be accessed by extending the existing staircases within each building. Both proposals would incorporate a mansard style roof extension to the rear of the property, with rooflights inserted into the existing front roofslope. The mansard roof would be finished in grey slate with white painted timber windows, and the ridgeline and eaves of the building would not be altered. The main difference between the proposals is that the extension in Appeal B would be set approximately 0.50 metres further back from the rear façade of the property than Appeal A.
8. The existing distance between the rear of properties on Compton Road and the rear of properties on Alwyne Road is slightly in excess of 20 metres, the window to window distance is typical of development in an urban area such as this. The new windows and flats would be further away due to their height, and this would increase that distance.
9. At the time of my site visit I stood on each landing of the stairwells in Alwyne Mansions and was able to comfortably assess the level overlooking as existing over the rear communal space and neighbouring properties. Whilst the trees along the boundary are not three storeys in height, they are substantial, mature trees, which provide a significant level of screening. I have also had particular regard to the photographs submitted by the resident of No 31 Compton Road.
10. The windows of the proposal would be in excess of eleven metres beyond the trees, due to the height this distance would in fact be greater than eleven metres. Due to the height of the proposal the windows of the proposed flats would be visible from some of the properties along Compton Road. The overall distance would be in excess of 21metres which, in addition to the natural screening provided, would not result in a level of overlooking or a loss of

privacy that would have a significantly harmful impact on the occupiers of those properties along Compton Road, with particular regard to those occupying Nos 21 – 31.

11. The building line of No 25 Alwyne Road extends slightly further back than Alwyne Mansions. Any views of the garden of No 25 would be largely blocked in respect of both Appeal A and Appeal B due to the built form of the roof of No 25, and the vegetation between the gardens.
12. The additional storey would change the style of the roof of the appeal property. However the level of development proposed in both appeals would not result in a higher ridgeline than the existing property. Therefore I do not consider that there would be a material loss of daylight or sunlight in respect of either proposal.
13. Overall, I find that the proposal in both Appeal A and Appeal B would retain the built form within the existing footprint and neither proposal would decrease the distance between the properties. Both proposals would benefit from a good level of screening, and would not result in a loss of daylight or sunlight. Accordingly, I find that the proposal in Appeal A, and the proposal in Appeal B, would provide appropriate levels of sunlight and daylight, and privacy, to both proposed and adjoining buildings and gardens. Both proposals would therefore comply with Policy DM D2 of the Sites and Policies Plan 2014 which seeks to achieve high quality design and protect amenity.

#### *Other matters*

14. Refuse bins would be stored within the rear amenity space, along with a small area for cycle parking. The bins would be within a suitable proximity of the entrances for use by the residents, who would be required to present bins to the road side and then returned to their store. This is similar to the existing arrangement and on the basis of the evidence I am satisfied that it would be a suitable provision.
15. With regards to density, the site is in an urban area with good transport links. Higher density should be directed towards development areas with a high PTAL, and in this regard I am satisfied that the proposal would be acceptable in line with the guidelines of the London Plan. The proposed units would exceed the minimum space standards as set out in the London Plan, and the garden area to the rear of the site would provide adequate external amenity space. Both proposals would therefore provide an adequate standard of living accommodation for future occupiers.
16. The site is not within an area identified as being prone to flooding. The only increase in non-permeable surfacing would be in respect of the refuse/recycling and bicycle stores. On the basis of the evidence I am satisfied that this would not lead to an increase in flooding.
17. The appellant has submitted a S106 Unilateral Undertaking which would restrict future occupiers from applying for car parking permits. Taking into account the surrounding alternative transport options, and the existing pressure on on-street parking, I consider that the S106 is a suitable mechanism by which to ensure that the proposals would comply with Policies CS18 and CS20 of the Local Plan with regards to promoting sustainable modes of transport.

18. As the proposal would be a car free development, and would not increase the occupancy by a significant level I am satisfied that it would not have a detrimental impact on air quality.
19. The proposals would create four additional units. Taking into account that each unit would only have one bedroom I do not consider that this increase in the occupation of the building would lead to unacceptable levels of noise that would justify dismissing the appeals. Concerns regarding noise should, in the first instance, be raised with the council's Environmental Health team.
20. Matters relating to structural issues such as subsidence should be dealt with through building control, as should fire safety issues.
21. Due to the age of the building there are restraints in respect of providing access, and it would not be reasonable for a scheme of this size to require a lift shaft in order to provide step free access.
22. I appreciate that my decisions will be disappointing to some residents. However, the matters raised do not, individually or cumulatively justify dismissing the appeals.

### **Conclusions and Conditions**

23. The proposals in both Appeal A and Appeal B would comply with the policies set out in the development plan. I have carefully considered the representations made by interested parties, however in this case the matters raised do not lead me to reach a different conclusion. Accordingly, subject to the imposition of appropriate conditions, the appeals should succeed.
24. The Council has suggested a number of conditions, which I have considered in accordance with the Planning Practice Guidance (PPG) and the comments made by the appellant. I have amended some of the conditions for certainty. My findings on these matters relate to both Appeal A and Appeal B.
25. A condition specifying the relevant plans is necessary for certainty. A condition requiring information relating to materials for the extension, refuse and recycling, and cycle parking is necessary in the interest of the character and appearance of the area. A condition requiring a working method statement is necessary to protect the amenities of existing occupiers during construction.
26. As the site is not prone to flooding, and the proposal would be unlikely to increase flooding as advised by the Framework, I do not consider on the basis of the evidence that a condition requiring a Sustainable Urban Drainage System would meet the tests as set out in the PPG. Furthermore, conditions relating to the use of water and CO2 emissions are not necessary as these matters are dealt with through the building control process. On the basis of the evidence submitted I do not consider that a delivery and service plan condition would meet the test of necessity.
27. For the reasons above, and having considered all other matters raised, I conclude that both Appeal A Appeal B are allowed.

*J Ayres*

INSPECTOR

### **SCHEDULE OF CONDITIONS- APPEAL A**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans;  
EXTG GF - 2F & ROOF PLANS/ BLOCK & LOCATION PLANS SD01  
EXISTING STREET & REAR ELEVATIONS SD02  
EXISTING SECTION & SIDE ELEVATIONS SD03  
PROPOSED PLANS - 3RD & ROOF PD01(1)  
PROPOSED STREET & REAR ELEVATIONS PD02(1)  
PROPOSED SIDE ELEVATIONS & SECTIONS PD03(1)  
COMPARATIVE SHADOW PLANS PD04(1)  
3D VIEWS - EXISTING & PROPOSED PD05(1)  
PROPOSED BIN AND CYCLE STORES PD06(1&2)  
DESIGN AND ACCESS STATEMENT  
PLANNING STATEMENT  
ENERGY STATEMENT.
- 3) Within 21 days of commencement of development details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted shall be submitted to for approval in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) No dwelling shall be occupied until space has been laid out within the site for bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 5) No dwelling shall be occupied until space has been laid out within the site for the storage of refuse bins and that space shall thereafter be kept available for the storage of refuse bins.
- 6) Prior to commencement of development a working method statement shall be submitted to and approved in writing by the local planning authority. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) wheel washing facilities;
  - v) measures to control the emission of dust and dirt during construction;
  - vi) measures to control surface water run-off.

The approved working method statement shall be adhered to throughout the construction period for the development.

- 7) Demolition or construction works shall take place only between 08:00 and 18:00 on Mondays to Fridays inclusive, 08:00 to 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

### **END OF SCHEDULE A**

### **SCHEDULE OF CONDITIONS- APPEAL B**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - EXTG GF - 2F & ROOF PLANS/ BLOCK & LOCATION PLANS SD01
  - EXISTING STREET & REAR ELEVATIONS SD02
  - EXISTING SECTION & SIDE ELEVATIONS SD03
  - PROPOSED PLANS - 3RD & ROOF PD01(2)
  - PROPOSED STREET & REAR ELEVATIONS PD02(2)
  - PROPOSED SIDE ELEVATIONS & SECTIONS PD03(2)
  - COMPARATIVE SHADOW PLANS PD04(2)
  - 3D VIEWS - EXISTING & PROPOSED PD05(2)
  - PROPOSED BIN AND CYCLE STORES PD06(1&2)
  - VERIFIED CGI 3D - EXTG & PROPOSED TO NORTH EAST PD06(2)
  - VERIFIED CGI 3D - EXTG & PROPOSED TO SOUTH WEST PD07(2)
  - DESIGN AND ACCESS STATEMENT
  - PLANNING STATEMENT
  - ENERGY STATEMENT.
- 3) Within 21 days of commencement of development details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted shall be submitted to for approval in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) No dwelling shall be occupied until space has been laid out within the site for bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
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  - i) the parking of vehicles of site operatives and visitors;

- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) wheel washing facilities;
- v) measures to control the emission of dust and dirt during construction;
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**END OF SCHEDULE B**

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