
Appeal Decision

Site visit made on 7 December 2018

by David Storrie DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2019

Appeal Ref: APP/T5720/W/18/3209161

Flat 1, 237 Kingston Road, Wimbledon, London, SW19 3NW

- 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 R Page against the decision of London Borough of Merton.
 - The application Ref 18/P2076, dated 15 May 2018, was refused by notice dated 20 July 2018.
 - The development proposed is a single storey extension within a private garden to ground floor flat.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the host building and, on the living conditions of the occupiers of Flat No. 2, 237 Kingston Road (Flat 2) in respect of outlook.

Reasons

Character and appearance

1. The appeal property is a 3.5 storey detached Victorian property that has been converted into flats. It is within a residential area with similar scaled properties around it.
2. The extension would be wider than the host building by approximately 0.8 metres. This is not an insignificant projection. Moreover, the width of the large opening in the extension and its horizontal emphasis would extenuate the size of the extension. As such, the extension would compete visually with the overall vertical emphasis that is provided by the existing fenestration on the rear elevation of the overall building. Whilst this would have minimal impact visually when viewed from the front of the host building, I consider that the proposal, when viewed from the rear of the property, would result in an unsympathetic addition that would appear to be out of character with the host building. Even though the extension would not be readily seen from the public domain, it would be visible from neighbouring properties and gardens.

3. The appeal site lies within the *John Innes – Wilton Crescent Conservation Area* (Conservation Area). Whilst the Council's reasons for refusal does not specifically relate to the impact on the Conservation Area, I have a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires that, in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Moreover, this issue forms part of the evidence before me. Based on the information before me and my own observations I consider that the character, appearance and significance of the conservation area is mainly derived from the quality of the traditional buildings it contains and their architectural features and materials and the relationship of the buildings to each other and the spaces around them.
4. Whilst the proposed extension would project beyond the side wall of the building, it is set well back from the front of the property and even further from the public footpath to the front of the site such that views from the public domain of the building would be limited. As such, even though I have found that the proposal would harm the character and appearance of the host building I consider that it would not harm the overall character and appearance of the Conservation Area.
5. I do have some sympathy with the appellant who, from the planning history, has been trying to overcome previous concerns, and that the application was supported by Officers. However, I must consider the matter before me and on this issue conclude that the extension would be harmful for the reasons given.
6. As such, it would be contrary to policies CS14 and Merton Local Plan Sites and Policies Plan policies DMD2 and DMD3 that, amongst other things require proposals to achieve high quality design and to respect the design and form of the original building.

Effect on living conditions

7. The proposed extension would project approximately 4.5 metres from the rear wall of the host building, projecting in to the appellant's rear garden area. The extension would sit just below the cill of a bay window to Flat 2 of the property. The roof of the extension would be visible from this bay window as well as the remaining garden beyond. Artificial grass is proposed on this roof.
8. Currently, occupiers of Flat 2 have views in to the private garden area of Flat 1. This would be partly replaced by views of the roof area of the proposed extension. Whilst it would be clearly visible from the bay window, it would be set down below cill level and therefore the majority of the outlook enjoyed from it would be unaffected. Furthermore, the use of artificial grass on the roof would provide some mitigation as it would minimise the visual impact of the extension's roof. Given this, I do not consider any impact on outlook to be significant such that it would cause unacceptable harm or conflict with policies DMD2 and DMD3 that, amongst other things, seek to protect the living conditions of existing and future occupiers.

Other matters

9. I have also had regard to other nearby additions brought to my attention by the appellant. Whilst these are noted they appear to relate to multi-storey side extensions and, from the limited information before me, I cannot be sure that they represent a direct parallel to the appeal proposal. In any case, I am required to determine the appeal on its own merits.

Conclusion

10. Whilst I have taken a view that the proposed extension would not adversely impact upon the outlook of occupiers of Flat 2, the effect on the host building is unacceptable for reasons I have given above.
11. For reasons given, and having regard to all other matters raised, the appeal is dismissed.

David Storrie

INSPECTOR

This page is intentionally left blank