



Appeal Decision

Site visit made on 15 December 2015

by Robert J Jackson BA MPhil DMS MRTPI MCMI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 January 2016

Appeal Ref: APP/T5720/W/15/3014412

20 Belvedere Grove, Wimbledon Village, London SW19 7LR

- 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 Home Park 2012 LLP against the decision of the Council of the London Borough of Merton.
 - The application Ref 14/P2958, dated 28 July 2014, was refused by notice dated 18 February 2015.
 - The development proposed is refurbishment of existing dwelling with rear extension at ground, first & second floor and associated basement.
-

Decision

1. The appeal is dismissed.

Procedural Issue

2. The Council amended the description of the proposal when it registered the application. However, while any internal alterations to the building do not need planning permission, I have kept the description on the application form for the purposes of this decision.
3. Amended plans were submitted during the consideration of the application by the Council reducing the size of the upper floors. This amended scheme was determined by the Council and I have used the amended proposals for my determination.

Main Issues

4. The main issues in this appeal are:
 - whether the proposal would preserve or enhance the character or appearance of the Wimbledon North Conservation Area; and
 - the effect on the living conditions of the occupiers of 18 and 22 Belvedere Grove in respect of outlook and privacy.

Reasons

Conservation Area

5. Belvedere Grove lies in the Wimbledon North Conservation Area. It is made up of detached properties facing the highway, set a short way back to allow parking in front of the dwellings. The two properties to the east, Nos 22 and

24, are locally listed and are thus non-designated heritage assets. The appeal property and the properties to the west, including the adjoining property No 18, are identified as positive buildings in the Wimbledon North Conservation Area Sub Area 4 'Belvedere' Character Assessment. I have been provided with the Post Consultation Draft 2007. The appellant has indicated that this was not taken further by the Council. Having said that, it provides an appraisal of the area as background to this appeal of some weight and the appellants have not disputed its relevance or its contents.

6. The Character Assessment identifies¹ the part of the Conservation Area including Belvedere Grove as being of detached houses of individual design set on rectangular plots, with a modest and fairly uniform set back from the highway edge and with varied gaps between. The gaps frequently allow glimpses of greenery and sky and rear gardens are often substantial. These factors are seen to contribute to a strong sense of rhythm and spaciousness in the residential layout.
7. The buildings in Belvedere Grove are noted² as dating from the turn of the nineteenth to twentieth centuries and mostly being of two storey detached or semi-detached with roof accommodation, with an Arts and Crafts style, although Nos 22 and 24 have Queen Anne influences. Predominant features are the hipped and ridged roofs, projecting gables and bays and the tall chimneys.
8. The character analysis in Figure 41.3 of the Character Assessment summarises the local area as of "mainly large, detached houses of individual designs, erected in the early 20th Century by Belvedere Estate Company. Wide frontages and gaps between buildings contribute to spaciousness".
9. The proposed alterations to the dwelling are predominantly at the rear, although there would be an alteration on the eastern side at ground and first floor replacing an existing element. The alterations would extend across the whole of the width of the property on the three existing storeys and add a basement. There would be a stepped approach to the rear elevation in that the basement would extend furthest from the existing dwelling, then the ground floor and finally the first floor, with the second floor within the extended roof.
10. Currently, the sky can be seen through the gaps between No 20 and its neighbours on either side and this adds to the overall sense of spaciousness. This is very much part of the significance of the area which has been identified in the Character Appraisal.
11. Because No 22 is a more imposing building than No 20, and has a gable close to the boundary, this limits the space between these properties. The depth and bulk of the proposal would significantly reduce the gap between these two properties when viewed from the street and the amount of sky which could be seen. No 18 is set further from the boundary with an intervening single storey garage building and rear extension and the roof has a half-hip. This means that the increased depth and bulk of the proposed building, which would have the same effects as on the other side, would be readily seen in the street scene. The increase of the depth and bulk of the properties on both sides

¹ Paragraph 14.11.23.

² Paragraphs 14.12.22ff

would individually and cumulatively significantly reduce the existing sense of spaciousness within the street scene.

12. This loss of spaciousness would detract from the character and appearance, and thus the significance, of the Conservation Area although this would result in less than substantial harm to the Conservation Area in the terms set out in the National Planning Policy Framework (the Framework).
13. Given the special attention that has to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area as set out in legislation³, this harm weighs substantially against the proposal. Paragraph 134 of the Framework indicates that where a development proposal will lead to less than substantial harm this harm should be weighed against the public benefits; there are no such public benefits in this case.
14. Accordingly the proposal would not preserve or enhance the character or appearance of the Conservation Area and therefore it would be contrary to policy CS 14 of the Merton Core Planning Strategy (2011) (the MCS) as it would not reinforce and enhance the local character of the area or conserve and enhance the Conservation Area as a heritage asset. It would also be contrary to policies DM D2 and DM D4 of the Merton Sites and Policies Plan (2014) (the MSPP) in that it would not relate positively to the historic context of the surrounding area or respect the space around buildings where it contributes to the character of the area.

Living conditions

15. No 22 extends further into its plot than No 20 and has an extension at the rear close to the boundary. On the ground floor this is glazed and at first floor the extension provides a balcony to the secondary sitting room. No 18 has a single storey extension at the rear of the existing garage. The rear gardens of the properties on this side of Belvedere Grove all slope down to the rear. This has the effect of increasing the effective height of any extension when compared to existing ground level.
16. The Council does not object to the proposal in relation to any loss of light, and I have been provided with a sunlighting and daylighting analysis which indicates the proposal would not result in an unacceptable loss of light into the rooms within either Nos 18 or 22. The concern is whether the side walls at the rear of the property would give rise to an unacceptable loss of outlook to those properties.
17. The boundary with No 22 is made up of an approximately 1.8m high close boarded fence with a short trellis above. There is also some vegetation within the garden of No 22. The boundary fence with No 18 is slightly lower and again there is vegetation within that garden.
18. While the proposal would extend beyond both Nos 18 and 22 to the rear, this would only be at ground floor level. Above this the proposal would be approximately in line with the existing extensions on either side. At ground floor level the proposal would not extend materially above the existing boundary treatments and not to lead to an overbearing effect.

³ Section 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990

19. Having stood on the balcony on No 22 and in the rear garden of No 18 during the site visit above ground floor the proposal would not extend to the rear to such an extent that it would be unacceptable. Overall I conclude that the proposal would not give rise to an significant loss of outlook adversely affecting the living conditions of either Nos 18 or 22.
20. Concern was raised by the occupiers of the neighbouring properties that the windows in the roof plane in the side elevations could give rise to overlooking and loss of privacy. The two dormer windows would be to en-suites and the rooflights would be secondary windows to bedrooms. All these windows could have been conditioned to have obscure glazing to prevent overlooking had the scheme been otherwise acceptable.
21. Consequently, in respect of the effect on the living conditions of the occupiers of Nos 18 and 22 the proposal would not result in an significant adverse impact on outlook or privacy and would therefore comply with policy DM D2 of the MSPP in as it would ensure appropriate levels of privacy and protect existing development from visual intrusion so that the living conditions of the occupiers are not unduly diminished. It would therefore also comply with paragraph 17 of the Framework which seeks a good standard of amenity for occupants of land and buildings.

Conclusions

22. While I have concluded that the proposal would not give rise to an unacceptable overbearing effect on the living conditions of the occupiers of either of the adjoining properties, the proposal would significantly and detrimentally affect the spaciousness around the property. This spaciousness is part of the defining characteristics and significance of the Conservation Area which would therefore be harmed. This harm should be given substantial weight and is sufficient on its own to justify dismissing the appeal. Consequently, overall, the proposal does not comply with the policies of the MCS and MSPP.
23. For the reasons given above, and taking into account all other representations, I conclude that the appeal should be dismissed.

Robert J Jackson

INSPECTOR