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# Appeal Decision

Site visit made on 31 October 2018

**by R J Maile BSc FRICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 November 2018**

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**Appeal Ref: APP/T5720/D/18/3209230**  
**14 Highbury Road, London, SW19 7PR.**

- 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 Gaj and Mrs Kathy Rangunathan against the decision of the Council of the London Borough of Merton.
  - The application ref: 18/P1649, dated 4 April 2018, was refused by notice dated 3 July 2018.
  - The development proposed is single storey ground floor rear extension; alteration to first floor balcony terrace and balustrade; second floor dormer windows to the rear; basement extension to the rear.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues in this case are:
  - a) The combined effect of the proposals upon the character and appearance of the host building and that of the surrounding area.
  - b) The impact of the ground floor extension upon the living conditions of existing and future occupiers of 16 Highbury Road.

## Reasons

- a) *Effect upon character and appearance.*
3. This property comprises a substantial two storey dwelling with accommodation within the roof space and having rendered elevations under a slated roof. The building, which is Locally Listed, is designed in the Voysey style and dates from 1910. The surrounding area comprises detached houses of varying designs, a number of which (including no. 16 next door) have been the subject of recent extensions and alterations.
  4. The appeal site is within the Merton (Wimbledon North) Conservation Area. Accordingly, I have considered the proposal by reference to the statutory duty imposed upon me by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires me to pay special attention to

- the desirability of preserving or enhancing the character or appearance of the designated area.
5. I have also had regard to national policy as set out at Chapter 16 (Conserving and enhancing the historic environment) of the Framework<sup>1</sup> and to the relevant policies of the Development Plan.
  6. The Merton (Wimbledon North) Conservation Area is an important heritage asset. As such, paragraph 193 of the Framework requires me to give great weight to its conservation.
  7. Policy 7.8 of The London Plan likewise requires me to ensure that development affecting heritage assets and their setting should conserve their significance by being sympathetic to their form, scale, materials and architectural detail. This requirement is also contained in Policy CS 14 of the adopted Core Strategy<sup>2</sup>. Policy DM D4 of the Council's Sites and Policies Plan<sup>3</sup> sets out detailed criteria for development affecting heritage assets.
  8. I have also been referred to Policy 7.4 of The London Plan and Policies DM D2 and DM D3 of the Sites and Policies Plan, which set out detailed criteria for all new development. Policy DM D2 b) specifically applies to proposals for basements. In all cases, development should respect and complement the design and detailing of the original building.
  9. The proposals have been designed to a high standard to reflect the form and materials of the original dwelling. Furthermore, the size of the basement has now been reduced to address the concerns of neighbours, The Wimbledon Society and The Belvedere Estate Residents' Association.
  10. In reaching my conclusions upon the first main issue I have particularly noted the enhancement to the front elevation that will accrue by the removal of the garage extension to the original gable end, together also with works to replace the single rear dormer with two smaller structures. These factors, and the overall quality of the design, are reflected by the Officer's recommendation that planning permission should be granted for the amended scheme before me, subject to conditions.
  11. The Officer concluded in his Report to Committee that the proposed extensions and alterations were considered to be acceptable in design terms and that they would preserve the character and appearance of the Merton (Wimbledon North) Conservation Area. He also considered that the scheme would not cause harm to the Locally Listed Building. For the reasons given above, I agree with that assessment.
  12. I have therefore found upon the first main issue that the combined effect of the proposals would not be harmful to the character and appearance of the host building or that of the surrounding area and that development as proposed would accord with the requirements of section 72(1) of the 1990 Act, national policy at Chapter 16 of the Framework, Policies 7.4 and 7.8 of The London Plan and the policies of the Development Plan to which I have referred above.

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<sup>1</sup> The National Planning Policy Framework (July 2018).

<sup>2</sup> The London Borough of Merton Local Development Framework: Core Planning Strategy (July 2011).

<sup>3</sup> Part of Merton's Local Plan: Sites and Policies Plan and Policies Maps (July 2014).

*b) Impact upon living conditions.*

13. Following my inspection of the appeal site I visited 16 Highbury Road next door to the northeast, which property has been the subject of recent extensions and alterations. However, those works do not extend beyond the established rear building line of adjacent dwellings.
14. The proposed single storey extension would project rearwards by some 6m and extend above window head level of the rear-facing ground floor window. The new structure incorporates a hipped roof that slopes away from the boundary with no. 16 and would replace an existing brick and slate outbuilding.
15. The existing outbuilding is set at a lower level and does not project noticeably above the boundary fence, such that it is hardly noticeable as viewed from no. 16. Conversely, the single storey extension now proposed would be highly visible from the raised patio area of no. 16 in particular, but also from its rear-facing kitchen and dining room windows. Although set some 1.6m from the boundary with no. 16, the blank wall of the rear extension would appear as a dominant and intrusive feature as viewed from this neighbouring property.
16. I have therefore found upon the second main issue that the bulk and rearward projection of the ground floor extension would adversely impact upon the living conditions of existing and future occupiers of 16 Highbury Road by reason of unacceptable visual intrusion, contrary to Policy DM D2 vi. of the Sites and Policies Plan.

**Other Matters**

17. Concerns have been expressed by the owners of several nearby properties as to the potential for increased loss of privacy arising from the balcony proposals. However, I am satisfied that such objections could be overcome by imposing a condition requiring the installation of a privacy screen or screens.

**Conclusion**

18. I have found above that the combined effect of the overall scheme would not be harmful to the character and appearance of the host building or that of the Merton (Wimbledon North) Conservation Area. Nevertheless, my concerns as to the impact of the proposed ground floor extension upon the living conditions of existing and future occupiers of 16 Highbury Road are paramount.
19. Accordingly, and for the reasons given above, I conclude that the appeal should fail.

*R. J. Maile*

INSPECTOR

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