
Appeal Decision

Site visit made on 13 September 2016

by Louise Phillips MA (Cantab) MSc MRTPI

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

Decision date: 20 September 2016

Appeal Ref: APP/T5720/D/16/3151430

136 Haydon Park Road, Wimbledon, London SW19 8JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Robin Strong against the decision of the Council of the London Borough of Merton.
 - The application Ref 16/P1431, dated 15 April 2016, was refused by notice dated 25 May 2016.
 - The development proposed is described as "Addition of a new 2.828m extension to the existing 3.172m extension, resulting in a 6.0m extension. The new part of the extension will have an eaves height of 2.7m and a maximum roof height of 2.7m."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) provides that where the owner or occupier of any adjoining premises objects to the proposed development, the local planning authority is required to assess its impact on all adjoining premises, taking account of the representations received, but solely in respect of amenity. I have dealt with this appeal in the same manner.
3. The decision notice refers to Policies DM D2 and DM D4 of the Merton Sites and Policies Plan, July 2014, but the Council has confirmed that Policy DM D4 was cited in error. Consequently, Policy DM D2 is a material consideration for my decision but, under the provisions of the GPDO, it is not determinative.

Main Issue

4. The main issue is the effect of the proposed development upon the living conditions of neighbouring occupiers at Nos 134 and 138 Haydon Park Road in respect of outlook.

Reasons

5. The appeal property is a mid-terraced house on the south side of Haydon Park Road. It has an existing flat roofed rear extension 3.172m deep x 2.95m tall; and it is proposed to add to this a new flat roofed extension 2.828m deep x 2.7m tall. Overall, therefore, the extended part of the house would be 6m

- deep. Both parts of the extension would be the full width of the plot and there would be a step in the roof at the junction.
6. The adjoining properties at Nos 134 and 138 Haydon Park Road each have their own rear extensions of about the same depth as the existing one at the appeal site. Thus it is suggested that the proposal now before me is akin to a 3m deep extension that would be permissible under paragraph A.1(f) of the GPDO. However, No 138 has a patio immediately to the rear of the house, which, until recently, was not enclosed to the sides other than by boundary fencing and planting. Presently though, a single storey extension is being constructed on the boundary at No 140. This is not particularly deep and it is shallower than the appeal proposal, but it does introduce a limited sense of enclosure to the area.
 7. The appeal proposal would extend for much of the depth of the patio at No 138 and, even with the stepped roof design, it would be clearly visible above the boundary fencing. Its depth and height, taken together with the impact of the extension already under construction at No 140, would be overbearing and confining to occupiers when on the patio. The effect would be significantly detrimental to their enjoyment of this space, notwithstanding that they would not experience undue loss of light. Whilst similar concerns have been raised in respect of the outlook from the kitchen at No 138, the floor level inside the house is above that outside and this would largely mitigate the effect. However, this does not alter my conclusions in relation to the patio.
 8. As required by the GPDO, I have considered the effects of the proposed development upon the amenities of the adjoining occupiers at No 134 Haydon Park Road. There is nothing before me to suggest that any extension exists or is proposed at No 132 beyond that which is already present. The Ordnance Survey plan submitted with the application shows the latter to be of the same depth as the extension at No 134. Therefore the occupiers of No 134 would not experience enclosure on both sides of their outside space and so the impact upon their outlook would be less than at No 138. Moreover, because the power in the GPDO to consider neighbouring amenity is triggered only by an objection, I give substantial weight to the support offered by the occupiers of No 134 to a previous taller proposal at the appeal site; and to their lack of objection to the present scheme. For these reasons, I do not consider that the proposed development would harm the living conditions of these neighbours.
 9. The appellant refers on pages 3 and 4 of his Statement to several other extensions of similar height and depth to that proposed which have been approved by the Council. However, I do not know the full details of those schemes, or their context. My decision is made on the basis of the specific circumstances before me. Similarly, the appellant believes his application to have been hindered by a concurrent proposal for a 3m extension at no 140, but as this was refused by the Council, I have not taken it into account. I acknowledge the appellant's suggestion that to leave a small gap between the extension and the boundary would present maintenance problems and I agree that the proposed development would not cover a disproportionate area of the garden. However, these matters do not alter my findings above.
 10. Therefore I conclude that the proposed development would be significantly harmful to the living conditions of neighbouring occupiers at No 138 Haydon Park Road in respect of outlook from the patio. Thus it would harm their

amenity. It would also conflict with the aim of Policy DM D2 of the Merton Sites and Policies Plan, July 2014, to ensure good quality living conditions and amenity space at adjoining buildings and gardens.

Other Matters

11. In reaching my decision, I have taken account of the benefit of the development to the appellant in respect of the additional accommodation it would provide; and that it would be constructed having regard to appropriate materials, energy efficiency and landscaping. However, these matters neither outweigh nor alter my findings in relation to the main issue of the appeal.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

Louise Phillips

INSPECTOR