

Appeal Decision

Site visit made on 8 November 2016

by Helen Hockenhull BA(Hons) B.PI MRTPI

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

Decision date: 22 November 2016

Appeal Ref: APP/T5720/D/16/3157093
23 Pearce Close, Mitcham CR4 2GP

- 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 Zaheer Khalid against the decision of the Council of the London Borough of Merton.
 - The application Ref 16/P1645, dated 16 April 2016, was refused by notice dated 9 June 2016.
 - The development proposed is a loft conversion involving the erection of a dormer on the rear roof slope with rooflights on the front roof slope.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised by this case are:
 - the effect of the development on the character and appearance of the area;
 - the effect of the development on the living conditions of the occupants of neighbouring properties with particular regard to privacy.

Reasons

Character and appearance

3. The appeal property forms a two storey end of terrace house with an existing single storey flat roof rear extension. A similar two storey house immediately neighbours the dwelling and beyond that is a pair of three storey houses. These are set forward of the two storey properties and therefore have slightly larger rear gardens and greater separation distance to properties on Fernlea Road to the rear.
 4. It is proposed to construct a rear roof extension, install rooflights to the front roof slope and provide an obscure glazed window in the side elevation at second floor. The Merton Residential Extensions and Conversions Supplementary Planning Document (SPD)2001 advises that roof extensions should not be overlarge and that a dormer that runs the full width between flank and party walls or comes within one metre of a party or flank wall would almost always be unacceptable. The SPD goes on to advise that the window face of a roof extension should be set back a distance equivalent to at least the
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horizontal distance behind the main facade of the building and in addition that extensions should not break the ridge line. In this case, whilst the dormer proposed would be below the ridge line it would extend nearly the full width of the roof and the window face would be set in line with the rear façade of the existing house. It would therefore not comply with the guidance in the SPD.

5. I acknowledge that the proposed dormer may be similar to many others in the Borough; however these do not necessarily exhibit the high standard of design which the National Planning Policy Framework and the local development plan aim to encourage. I also note that the dwelling lies in a corner position where it is not dominant in the street scene. Whilst the roof extension would not be visible from the front of the property and the rear of the dwelling is not directly faced by neighbouring dwellings, the development would still be viewed from the rear gardens of nearby properties.
6. The proposal would appear bulky on the rear roof slope and detract from the appearance of the existing house and neighbouring terraced properties and cause harm to the character and appearance of the area. It would therefore conflict with Policy CS14 of the Merton LDF Core Strategy 2011, Policies DM D2 and DM D3 of the Merton Sites and Policies Plan 2014 and the Council's Residential Extensions and Conversions SPD. These policies aim to achieve high quality design and ensure proposals respect the character and proportions of the original building and context.

Living conditions

7. I am advised by the Council that permitted development rights for the use of the roof space were removed from the appeal building and the property restricted to two storeys in height. This was because of the relatively small rear garden and the need to protect the amenity of the occupiers of dwellings on Fernlea Road to the rear.
8. The three storey part of the terrace is set further back from the boundary with these residential properties. This increases the separation distance thereby protecting the occupants of the neighbouring dwellings from overlooking and loss of privacy. The dormer windows proposed in the appeal property would be at a similar height to the second floor windows of the three storey dwellings but they would be closer to the rear boundary. I therefore consider that the proposal would result in increased overlooking and loss of privacy to the gardens of the dwellings to the rear.
9. Accordingly, the proposed development would cause harm to the living conditions of the occupiers of these neighbouring dwellings and conflict with Policy DM D2 of the Merton Sites and Policies Plan 2014. This policy seeks to ensure that the living conditions of existing and future occupants are not diminished.

Other matters

10. The appellant has argued that if permitted development rights were in place for the property, the proposed rear dormer would be compliant. Whilst this may be the case, it is not relevant in this appeal as it does not form an implementable fall-back position.
11. I note that no objections have been received from adjoining neighbours. This does not however imply support for the scheme.

Conclusion

12. I have found that the proposed development would cause harm to the character and appearance of the dwelling and the surrounding area and the living conditions of the occupants of neighbouring properties.
13. For the reasons given above and having had regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR