

Appeal Decision

Site visit made on 12 December 2016

by M Brookes BA MSc MRTPI

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

Decision date: 20 December 2016

Appeal Ref: APP/T5720/D/16/3159679

40 Quicks Road, London, SW19 1EY

- 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 Tony & Sherene Chacko against the decision of the Council of the London Borough of Merton.
 - The application, Ref. 16/P0328, dated 15 January 2016, was refused by notice dated 11 August 2016.
 - The development proposed is a first floor extension and rear roof extension.
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Procedural Matters

1. The description of the proposed development in the banner headline to this decision reflects the wording in the application form, the accompanying Planning Supporting Statement and the appellants' appeal documentation. I have therefore determined the appeal on that basis notwithstanding the reference to a ground floor extension in the Council's notice of refusal of planning permission.
2. The rear roof extension has already taken place. A first floor rear extension has also been constructed without the benefit of a planning permission. However, this is longer than in the appeal proposal which would involve the removal of the end of the extension and the construction of a new rear wall. For the sake of simplicity I will refer in this decision to the extensions contained in the appeal application as proposals although they have been largely implemented.

Decision

3. The appeal is allowed and planning permission is granted for a first floor extension and rear roof extension at 40 Quicks Road, London, SW19 1EY in accordance with the application Ref. 16/P0328, dated 15 January 2016 subject to the following conditions:
 1. The development hereby permitted shall be carried out in accordance with the following approved plans: 01F, 02F, 03B, 04F, 05F and 06F.
 2. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
 3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer
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windows other than those expressly authorised by this permission shall be constructed in the extensions hereby permitted.

Main Issues

4. The main issues are the effects of the proposed extensions on:
- living conditions at 41 Quicks Road in terms of outlook and daylight
 - the character and appearance of the appeal property and the surrounding area.

Reasons

Living conditions at 41 Quicks Road in terms of outlook and daylight

5. The appeal is accompanied by a Daylight and Sunlight Report which comprises 'a natural light assessment for a change to an existing extension'. The Council has not had an opportunity to comment on its findings and I am not satisfied that it represents the most appropriate comparison in that it does not compare the property with and without first floor and roof extensions. I have therefore had some regard to the Report but have largely based my assessment on what I observed on my visit to the appeal site and from an inspection from within 41 Quicks Road.
6. The roof and first floor extensions will have some effect on the outlook from and light entering first floor rooms at the rear of the attached house at 41 Quicks Road. These include a room with a window in the rear wall of the principal range of the house, but that window does not face directly towards the extensions and has a southerly aspect. The extensions to the rear of this window would be set away from the boundary between the two properties and the most conspicuous part would have a roof that slopes away from the boundary. As a consequence I consider that the appeal proposals would not result in an unacceptable level of light entering the first floor room or create an unacceptable outlook.
7. A bathroom window at the end of a rear outrigger at 41 Quicks Lane would directly face towards the end of the first floor extension, but is one of two windows in the room. The room would continue to enjoy an open outlook from a window in the rear wall and has a good level of daylight, even with the first floor extension at its current depth.
8. The most affected room is a bedroom in the outrigger with two windows in the side wall facing towards the appeal property. Those windows are at different angles in a projecting bay. Together these windows currently provide a substantial amount of light to a room of little depth. The existing first floor extension at the appeal property is somewhat obtrusive in the principal outlook from the bedroom, but at its reduced length would leave a reasonable angled outlook to the rear.
9. My conclusion on this issue is that the proposed extensions would not unacceptably harm living conditions at 41 Quicks Road in terms of outlook or daylight. It would not therefore conflict with Policy DM2 of the adopted Merton Local Plan: Sites and Policies Plan and Policies Maps (July 2014) (LP) that expects all proposals for development to protect existing development from visual intrusion so that the living conditions of existing and future occupiers are not unduly diminished.

The character and appearance of the appeal property and the surrounding area

10. Although there are exceptions, development in Quicks Road predominantly comprises terraces of two storey houses of a number of compatible designs that are sited on regular building lines beyond small enclosed front gardens. These common features create a degree of uniformity and harmony to the street scene that make a major contribution to the character and appearance of the area.
11. Many of the terraced houses have paired rear outriggers but the rear elevations are of more variable appearance partly as a consequence of extensions that have been carried out to the original buildings. The rear elevations are also largely screened to public view. Consequently, the rear elevations of buildings in Quicks Road only make a limited contribution to the character and appearance of the surrounding area.
12. The varied form and appearance of rear elevations is particularly apparent in the vicinity of the appeal site. In this area, many of the properties have roof extensions that cover all of the original main rear roof slopes and in some cases, including at Nos 38 and 41 Quicks Road, also project over part of the two storey outriggers. At ground floor level the buildings have also been extended to various degrees and in variable forms.
13. LP Policy DM3 states that alterations and extensions to buildings will be expected to satisfy various criteria. These include respecting and complementing the design and form of the original building, dormer windows not dominating the original roof profile, and complementing the character and appearance of the wider setting.
14. The proposed roof extension would not respect the design of the original building and would dominate the roof profile of the main range of the original building. However, it would be of very similar scale and form to that at 41 Quicks Road and therefore provide a degree of balance to the pair of properties. It would also be of similar form to others nearby and could be considered to complement the character and appearance of the local setting.
15. Furthermore as the Council points out, a relevant consideration is that a substantial extension could be constructed as 'permitted development'. If the appeal were to be dismissed I consider it likely that the appellant would amend the proposal to bring it within permitted development limitations. It is likely in particular that such an amended extension would still cover most of the rear roof slope of the main range of the building and therefore have a comparable effect on the character and appearance of the existing building. It could also be out of balance with the extension at 41 Quicks Road and therefore look incongruous.
16. The first floor extension would follow the form of the original outrigger and at its reduced length would not be disproportionately long or unsympathetic to the character or appearance of the original building. It would also offset the loss of part of the form and significance of the original outrigger caused by the second floor extension on part of its roof.
17. Having particular regard to the nature of development nearby, to the limited visibility and uniformity of the rear elevations and to the likely impact of an amended roof extension constructed as permitted development I find that

approval of the extensions would not result in unacceptable harm to the character or appearance of the appeal property or the surrounding area.

Other Matters

18.I have had regard to the objections raised by third parties on other grounds but do not find any to be a sound basis for dismissing the appeal. In particular, I have considered the effect of the extensions on the outlook from and daylight and sunlight entering all nearby dwellings and their gardens, but am satisfied that, with the proposed reduction in the length of the first floor extension, the occupiers of no nearby property would experience material harm in these respects.

19.I have also considered concerns expressed about the colour of the bricks used in the extension walls but share the Council's view that they are a reasonable match for those used in the original building and that they will become a closer match as they weather over time.

Conditions

20.The Council has suggested a number of conditions. I agree that a condition requiring compliance with the approved plans is necessary to provide certainty and that a condition requiring the external materials to match those on the existing building is necessary to safeguard the character and appearance of the area. I also agree that a condition precluding the insertion of additional windows in the extensions is necessary to safeguard privacy in adjacent properties. However, a commencement condition is not necessary because the development has already commenced. A condition restricting the use of the roof of the ground floor extension is also not justifiable. The condition would not be directly or fairly and reasonably related to the proposed development because the ground floor extension is not part of the appeal proposal. In addition, the proposed extensions would not facilitate access to the flat roof.

Conclusion

21.For the reasons set out above and having regard to all other matters raised, the appeal is allowed.

M Brookes

INSPECTOR