

Appeal Decision

Site visit made on 29 December 2016

by D Cramond BSc MRTPI

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

Decision date: 9 January 2017

Appeal Ref: APP/T5720/D/16/3161135

6 Herbert Road, London, SW19 3SH

- 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 Dejan Polomic against the decision of the Council of the London Borough of Merton.
 - The application Ref 16/P2286, dated 30 May 2016, was refused by notice dated 27 July 2016.
 - The development proposed is a side return extension to a Victorian semi-detached house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on living conditions for neighbours.

Reasons

Living conditions

3. The appeal property is a semi-detached two storey, three floor, dwelling with a side passage and with a semi-detached two storey outrigger projecting rearwards across about two thirds of the width of the home. It lies in an established residential area characterised by semi-detached and terraced homes. The proposal is for a single storey extension with a mono-pitched glazed roof between the side of the outrigger and across to the shared boundary with the dwelling to the south west (No 8). The scheme embodies a wall and parapet of some 5.5m in length and 2.9m in height running along this shared boundary. There is presently fencing, trellising and evergreen planting which rise to about 2m.
 4. The side wall would run alongside, appreciably beyond the rear building line and, at a little over 1m, relatively close to a fully glazed bay which serves a principal living room of No 8 and is on an elevation which is slightly angled towards this side boundary. The effect of this scale of solid built form in this location and proximity would be one of undue blinkering to occupiers of the relevant room as well as an overbearing and unsettling imposition on the nearest patio/immediate garden space of this neighbouring home. The wall would appear as a dominant structure and would have a marked and detrimental effect on outlook and sense of space. The overall impact of the
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development would be one of undue impingement upon living conditions. It is not unreasonable for neighbours in this locality to expect some feeling of openness, the separation between homes is a feature here, and the relationship between these two properties is properly based on principal structures being clear of the shared boundary line.

5. Policies DM D2 and DM D3 of the Council's adopted Sites and Policies Plan 2014, taken together and amongst other matters, seek to ensure that development does not have any undue adverse impact on adjoining properties. I conclude that this scheme would conflict with these policies. It would also run contrary to the parallel objective within the Council's adopted SPG: Residential Extensions, Alterations and Conversions 2001 albeit the elevational angles guidance may not be breached. The SPG cannot be expected to cover every eventuality.

Other matters

6. I sympathise with the Appellant's wish to increase and improve the accommodation of this property. I acknowledge the intent to use good quality matching materials or to be flexible on finish should others so wish. I would agree that this is not a loss of daylight or sunlight related case. I appreciate the rules of 'permitted development' but I have a proposal before me to determine and I do conclude that it would be intrusive. The mathematical comparison work relative to the existing fence is sound in its own right but I would add 'weighting' to elements of any structure which would be positioned higher than presently exists and would not treat all surface area as having the same effect. There would certainly be a long run of garden / shared boundary beyond the proposed extension but the works are planned for a sensitive part of this boundary and I am convinced they would be more over-bearing in places than implied from the Appellant's graphic which appears to be a modelled image from well back within the neighbours' relevant room. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.
7. I confirm that policies in the National Planning Policy Framework have been considered; the Council's policies which I cite mirror relevant objectives within that document.

Overall conclusion

8. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on living conditions for neighbours. Accordingly the appeal is dismissed.

D Cramond

INSPECTOR