

Appeal Decision

Site visit made on 31 January 2017

by N McGurk BSc (Hons) MCD MBA MRTPI

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

Decision date: 6 February 2017

Appeal Ref: APP/T5720/D/16/3161349

10 Fleming Mead, Mitcham, CR4 3LU

- 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 Wisely against the decision of the Council of the London Borough of Merton.
 - The application Ref 16/P3289, dated 17 August 2016, was refused by notice dated 13 October 2016.
 - The development proposed is a single storey rear extension, which will extend 6.0 m beyond the rear wall of the original dwelling. The maximum height of the extension will be 4.0 m. The height of the eaves of the enlarged part of the dwellinghouse will be 3.0 m.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application the subject of this appeal followed a prior approval application¹ which was refused.

Main Issue

3. The main issue in this case is the effect of the proposed development on the living conditions of neighbouring occupiers, with regards to outlook and daylight.

Reasons

4. The appeal property is a two storey mid-terrace dwelling. It is located in a residential area largely comprising two storey terraced and semi detached dwellings.
5. Houses are set back from the street behind small gardens and/or parking areas and have larger gardens to the rear. The prevailing development form in the area means that houses are built adjacent to one another and the presence of the rear gardens provides for a sense of spaciousness. During my site visit, I observed that rear gardens in this location were notably spacious, with only occasional small rear extensions present, along with garden sheds or outbuildings.

¹ Ref: 16/P2396.

6. The proposed development would extend across much of the width of the host property and project a considerable depth to the rear. As a consequence of this, the side walls of the proposal would project from the rear elevation close to the rear gardens of the dwellings on either side of the appeal property. This would result in the proposed structure being clearly visible from the rear elevations of both Nos 8 and 12 Fleming Mead.
7. The proposal would rise significantly above the existing garden fence between the appeal property and No 8 Fleming Mead for some distance, leading it to appear dominant in the outlook from the rear ground floor windows of that property. I find that the harm arising from this would be exacerbated to a small degree as a result of the development "looming" above and immediately adjacent to the boundary fence for some distance, whereby there would be some impact on the amount of natural light entering the rear of No 8. The rear garden of the appeal property is south facing and in the absence of substantive evidence to the contrary, I find that development in very close proximity to No 8's rear windows would inevitably have some impact on the amount of daylight entering that property.
8. In the case of No 12 Fleming Mead, there is an undercroft between it and the appeal property. This would result in there being a bigger gap between No 12's closest ground floor window and the proposed development than would be the case in respect of No 8. Furthermore, the presence of a tree would lessen any impacts arising, such that the proposal would not appear dominant nor have any significant effect on the amount of daylight received by No 12. Taking these factors into account, the proposal would not result in harm to the living conditions of neighbouring occupiers at No 12.
9. However, I find that the proposed development would harm the living conditions of the neighbouring occupiers at No 8, with regards to outlook and daylight, contrary to the Framework and to Local Plan² policies DMD2 and DMD3, which together amongst other things, seek to protect local character.

Other Matters

10. In support of his case, the appellant draws my attention to other developments elsewhere in the wider area. However, there is no evidence before me to demonstrate that these developments are the same as that the subject of this appeal and I note above that the character of the immediate area is influenced by the absence of large rear extensions. Notwithstanding this, the proposal the subject of this appeal would result in harm and the presence of other developments elsewhere does not alter this fact.

Conclusion

11. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

² Part of Merton's Local Plan, Sites and Policies Plan and Policies Maps (2014).