
Appeal Decision

Site visit made on 7 February 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 15 February 2017

Appeal Ref: APP/T5720/D/16/3164096

73 Graham Road, Wimbledon, London SW19 3SW

- 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 Simon Ngu against the decision of the Council of the London Borough of Merton.
 - The application Ref 16/P2515, dated 16 June 2016, was refused by notice dated 5 September 2016.
 - The development proposed is a ground first and second floor extension to the rear and dormer loft conversion and new bay windows to front over existing.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area; and
 - the effect of the development on the living conditions of the occupiers of Nos 71 and 75 Graham Road with particular reference to outlook, light and sunlight.

Reasons

Character and appearance

3. The appeal relates to a modest, two storey mid-terrace property, with a relatively small single storey rear lean-to extension.
 4. The Council raise no concern regarding the proposed ground and first floor elements of the scheme and taken in isolation I find no reason to take a contrary position. However, in combination, the extensions would amount to a significant addition to the existing dwelling. The form of the proposed first floor level would effectively be carried through to the second floor to create an 'L' shaped roof level extension. This would return across the full width of the roof at ridgeline level. In doing so, it would completely consume the existing rear eaves line and roof pitch and would unduly dominate the existing rear elevation such that only a small element of the main back wall at first floor level would remain.
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5. Consequently, the rear core form of the existing dwelling would be largely lost, producing a three storey elevation which would overwhelm the scale of the existing modest two storey dwelling and which would be out of keeping with its existing character.
6. I acknowledge that the development would not be visible from Graham Road, however, it would be readily apparent from the public footpath which runs along the southern boundary of the site, connecting Graham Road with Dundonald Road. Here the appeal proposal would appear unduly dominant and harmful. Given the tight built relationship in this location it would also be viewed in relatively close proximity from the rear of the properties along Dundonald Road, as well as the rear gardens of flanking properties along Graham Road.
7. In terms of its relationship with the surrounding area, the appellant has drawn my attention to developments at Nos 63 and 65 Graham Road, which were granted Certificates of Lawful Development in 2008 and 2010 respectively. Whilst the resulting appearance is similar to that currently proposed, although not identical, I note that these are roof extensions built under permitted development rights and appear to have benefited from an existing two storey rear outrigger extension as the base position. This is not the case with the appeal proposal.
8. I have also noted the photographs of the other developments along the road and was able see at my site visit the development at No 77 and that along Dundonald Road. However, all those referred to by the appellant appear to be roof extensions, rather than three storey rear extensions as is the case here. I am also uncertain of the planning status of those others referred to.
9. I appreciate that the appellant will feel disadvantaged due to the existence of these other developments. However, whilst accepting that they do influence the character and appearance of the area, none of the schemes put forward can be considered as precedents sufficiently analogous to justify allowing a development which would be clearly very harmful to the character and appearance of the host dwelling. Furthermore, those that do exist serve to confirm the prominence of such features. In any case, I have determined the appeal proposal on its own merits.
10. I therefore find on this main issue that the proposal would be harmful to the character and appearance of the host dwelling in particular, and to the surrounding area, contrary to Policies DM D2 and DM D3 of the Sites and Policies Plan and Policies Maps (SPP) and the Merton Unitary Development Plan Supplementary Planning Guidance Note – Residential Extensions, Alterations & Conversions (Residential Extensions SPG). These seek to achieve high quality design and the protection of amenity within the borough and expect extensions to buildings to meet a number of criteria, including, respecting the form, scale, bulk, and proportions of the original building.
11. Furthermore, as set out in the National Planning Policy Framework (the Framework), good design is a key aspect of sustainable development and on the basis of the harm to the character and appearance of the locality, the proposal would fail to meet the sustainability aims of the Framework. The proposal would not therefore amount to sustainable development, having regard to the advice at paragraph 7 of the Framework. Accordingly, no such presumption, as anticipated in paragraph 14, applies.

Living conditions

12. Given the orientation of the appeal site to the north of No 75 Graham Road, as well as the size and separation to the first and second floor elements of the proposed extension and the existing extension at No 75, I do not consider that there would be unacceptable harm to the living conditions of the occupants of that property by way of outlook, loss of light and sunlight.
13. For No 71 Graham Road, the proposed plans show an existing ground floor rear extension of varying depth which runs to the full width of the site. At first floor level the dwelling includes a single window which appears to serve a habitable room. Due to the orientation of No 71 to the north of the appeal site and the height of its first floor window relative to the height of the two storey projection, the proposal would result in some loss of light and sunlight reaching that window. However, the positioning of the window is off-set in the elevation away from the appeal dwelling, therefore, any harm arising would not be sufficient to warrant withholding planning permission. Similarly, due to the positioning of the window and the depth of the proposed rear projection, the outlook from that window would not be unacceptably harmed.
14. This position is consistent with the evidence of the appellant that the proposed extension would comply with the Council's procedures for assessing visual intrusion and loss of sunlight and daylight as set out in its Residential Extensions SPG.
15. Moreover, the appellant has brought to my attention a recent planning permission¹ which has been granted in respect of No 71 for the erection of a part single storey, part two storey rear extension and rear roof extension. At the time of my site visit, it appeared that work had commenced to implement this permission. Should this be fully completed, the main influence on outlook, light and sunlight from the existing first floor window would be its first floor extension rather than the development within the appeal site. Moreover, the windows to the approved dormer extension for No 71 would not serve habitable rooms therefore the proposed second floor projection from the appeal site would not result in unacceptable loss of outlook, light or sunlight.
16. I therefore conclude on this main issue that the proposal would not result in unacceptable harm to the living conditions of the occupiers of the adjoining properties, and therefore in this regard would not conflict with SPP Policies DM D2 and DMD3, or the Council's Residential Extensions SPG, which in addition to the above and amongst other matters, expect development proposals to ensure provision of appropriate levels of sunlight and daylight and quality of living conditions to both proposed and adjoining buildings and gardens.

Other matters

17. I acknowledge the modest scale of the existing dwelling and that increasing its size would improve the standard of accommodation for its occupants. However, in this case, the scheme presented does not achieve an appropriate balance between providing the additional floor space and protecting the character and appearance of the host dwelling in particular. Indeed, the appellant acknowledges that the proposed extensions would result in a generous addition and I have no evidence to support the position that this

¹ Application Number: 16/P2510

extent is essential in allowing the property to continue to function efficiently as a family home.

Conclusion

18. Whilst I have not found that the proposal would result in unacceptable harm to the living conditions of neighbouring residents, I have found that the proposal would be harmful to the character and appearance of the host dwelling and the surrounding area. For this reason, and having taken all other matters raised into account, I conclude that the appeal should fail.

Richard S Jones

Inspector