
Appeal Decision

Site visit made on 14 March 2017

by A Napier BA(Hons) MRTPI MIEMA CEnv

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

Decision date: 29 March 2017

Appeal Ref: APP/T5720/D/17/3168940
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 approval required under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Anton Wisely against the decision of the Council of the London Borough of Merton.
 - The application Ref 16/P4367, dated 4 November 2016, was refused by notice dated 19 December 2016.
 - The development proposed is a single-storey flat roofed rear extension.
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 1, Paragraph A4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for a single-storey flat roofed rear extension at 10 Fleming Mead, Mitcham CR4 3LU in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A4 (2) of the GPDO.

Procedural Matters

2. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of the appeal will be made in the same manner.
3. The date of the application included in the heading above is that given on the application form. However, from the details within the appeal submissions, including the appeal form and the Council's letter of notification to neighbouring occupiers, I am satisfied that the application was received by the Council on 11 November 2016 and intend to determine the appeal accordingly.

Reasons

4. From the details provided, the Council considers that the proposal would meet the relevant criteria for permitted development and I see no reason to disagree with this assessment. The appeal dwelling is a mid-terrace property and the proposal would extend across almost the full width of the appeal site, to a depth of some 4.5 metres and a maximum height of 3 metres. Although close to the site boundaries, the adjoining shared passageway would provide some
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separation from the adjacent rear French doors of No 12, but the proposal would be in close proximity to the similar fenestration at No 8 and the rear patio areas of both neighbouring dwellings.

5. Given the siting proposed and relationship to the adjoining neighbouring properties, the appeal proposal would inevitably alter the outlook from those dwellings and result in some increase in the sense of enclosure within the gardens of these properties. However, these gardens are relatively generous in size and extend a reasonable distance from the rear elevation of the dwellings. Taking this into account and given the overall scale of the proposal, including its relatively limited height and depth, I consider that it would not be unreasonably oppressive or overbearing on neighbouring occupiers. As a result, I find that its effect on outlook and enclosure would be acceptable.
6. In addition, the rear elevations of the dwellings are south facing. Whilst the proposal would lead to some loss of light to neighbouring occupiers, both inside and outside their dwellings, I consider that any overshadowing would be modest and the impact of the proposed extension in respect of light would be limited, due to this orientation and the limited height and depth of the proposal. As such, overall, I am satisfied that the proposal would not be materially harmful to neighbouring living conditions.
7. Accordingly, in this case, I consider that the appeal development would not conflict with the *Merton Core Planning Strategy 2011* Policy CS14 and the *Merton Sites and Policies Plan 2014* Policies DM D2 and DM D3, where they seek to protect living conditions. It would also meet the aims of paragraph 17 of the National Planning Policy Framework, to achieve a good standard of amenity for all existing and future occupants of land and buildings.
8. My attention has been drawn to the planning history of the site, including a recent appeal decision. I do not have full details of these earlier schemes or the background to those decisions. However, from the information available to me, the previous proposals were materially larger in scale and thus not directly comparable to the scheme before me, which I have considered on its merits and in light of representations received.

Conclusion

9. For the reasons given above, I conclude that the appeal should be allowed and approval granted. In granting approval the Appellant should note that the GPDO requires at Paragraphs A4 (13), (14) and (15) that the development shall be completed on or before 30th May 2019 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer; the address or location of the development, and the date of completion.

A Napier

INSPECTOR