
Appeal Decision

Site visit made on 29 March 2017

by David Walker MA MRTPI

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

Decision date: 27th April 2017

Appeal Ref: APP/T5720/W/16/3165650

66 Laburnum Road, Wimbledon, London SW19 1BQ

- 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 A Traykov against the decision of the Council of the London Borough of Merton.
 - The application Ref 16/P3855, dated 29 September 2016, was refused by notice dated 5 December 2016.
 - The development proposed is modifications and extensions of existing outbuilding in the rear garden of 66 Laburnum Road to form one bedroom self-contained annexe.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the proposal on:
 - i) the character and appearance of the area, and
 - ii) the living conditions of the existing occupants of Nos 64 and 66 Laburnum Road in relation to the availability of outlook and, for the occupants of No 66 only, the adequacy of the external living space that would be provided.

Reasons

Character and appearance

3. The outbuilding is positioned within the existing garden of No 66, an enlarged and improved end of terrace property. As existing it is a relatively minor building in a streetscene characterised by houses from differing periods fronting onto the highway and few other outbuildings.
 4. The extension to provide independent accommodation for the appellant's elderly mother would more than double the length of the outbuilding. Although there would be only a modest increase in height the length of the extended building would result in a significant scale of outbuilding. It would close the gap to the existing dwelling and diminish the openness that is typical of back gardens of the area.
 5. Being clearly visible along Leyton Road such a scale of development would appear to dominate the back garden of the host property. I acknowledge that the existing boundary wall would go some way towards screening the development but the proposal would rise above this with a domestic looking
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structure. It would not appear ancillary to the existing dwelling and would be out of character with the pattern of houses and rear gardens of the area.

6. The proposal would therefore lead to harm to the character and appearance of the area. As a result it would conflict with the requirements of Policy CS 14 of the Merton Core Strategy 2011 (the CS) to respect, reinforce and enhance the local character of an area. There would also be a conflict with the requirements of Policies DM D2 and DM D3 of the Merton Sites and Policies Plan 2014 (the SPP) to respect space between buildings, and relate positively and appropriately to surrounding buildings and existing street patterns, amongst other considerations.

Living conditions

7. The proposal would also project along the garden boundary shared with the neighbour at No 64. While only marginally higher than the existing outbuilding, the additional length of the proposal would cause it to dominate the modest garden. In conjunction with the existing rear extensions at No 66 this would reduce the openness of the rear garden leading to harm to the outlook available to the neighbour.
8. I am satisfied that were the outbuilding to function as an annexe to the existing dwelling that a shared garden would not conflict with Policy 3.5 of the London Plan and its associated guidance. Moreover, some overlooking from accommodation falling within the same planning unit would not be unduly harmful. However, as the appeal fails under the main issues I have not pursued the scope to which the use of the annexe could reasonably be controlled by conditions.
9. On this issue I conclude that the harm to outlook would conflict with the requirements of Policies DM D2 and DM D3 of the SPP to ensure that the living conditions of existing occupiers are not unduly diminished.

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

David Walker

INSPECTOR