
Appeal Decision

Site visit made on 11 July 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 19 July 2017

Appeal Ref: APP/T5720/17/3174158

96 Elm Walk, Raynes Park, London SW20 9EG

- 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 Hussain against the decision of the Council of the London Borough of Merton.
 - The application Ref 17/P0793, dated 21 February 2017, was refused by notice dated 19 April 2017.
 - The development proposed is a single storey rear addition.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear addition at 96 Elm Walk, Raynes Park, London SW20 9EG in accordance with the terms of the planning application Ref 17/P0793, dated 21 February 2017 and subject to the conditions set out below.

Main Issue

2. The main issue is the effect of the development on the living conditions of neighbouring residents at No 94 Elm Walk with particular regard to light and outlook.

Reasons

3. The appeal site is part of a short linear terrace of properties. To the rear, the ground level drops quite markedly from the houses onto back gardens, beyond which is an extensive open area of playing fields.
 4. Whilst the extension would be limited to single storey height it would extend across the full width of the property and the height of the side walls of the building would appear relatively tall from the rear garden areas of the adjacent properties due to the aforementioned fall in ground level.
 5. In accordance with its Supplementary Planning Guidance Note - Residential Extensions, Alterations and Conversions 2001 (SPG), the Council has applied an Aspect Value test in order to assess the impact of the proposed extension on light entering the neighbouring dwellings. It is undisputed that the proposal would not meet this test insofar as the extension relates to the nearest ground floor rear facing window serving the neighbouring dwelling at No 94.
 6. However the appellant has produced a technical assessment examining the impact of the development on adjacent dwellings in terms of light entering rear
-

facing windows and garden areas. This assessment has concluded that whilst the extension would result in some loss of light to No 94, it would still meet guidelines set out in the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' 2011. The Council do not dispute the findings of this assessment.

7. Although the aforementioned studies have produced contradictory conclusions, I am mindful that the Council qualify their Aspect Value guidance, commenting that it is indicative and referring to cases that fail the guidance as 'not normally acceptable' and 'in most cases not satisfactory'. Without wishing to cast any doubt on the respectability of the Council's guidance, the aforementioned terminology leads me to the view that it should be interpreted flexibly rather than definitively.
8. The BRE document referred to above was produced following consultation with various professional bodies and officials and is recognised as containing guidance on achieving good sunlighting and daylighting both within buildings and in open spaces between them. The document is therefore a reputable reference source in this area.
9. Drawing the above considerations together, whilst the development would not meet the stricter tests in the Council's SPG, neither would it fail the commonly applied guidance contained within the BRE document to which I must give considerable weight. Therefore whilst the development would result in some reduction in natural light to No 94, on balance I do not consider that refusal of planning permission would be justified on this ground.
10. The development would result in the tall side wall of the extension being in close proximity to the nearest window serving the rear of No 94 and the rear garden area of that property. However the elevated ground floor level of the dwelling in relation to natural ground level to the rear would serve to reduce the apparent height of the extension from this perspective. In addition, occupiers of No 94 would continue to benefit from the relatively open and undeveloped aspect to the rear which would serve to further mitigate the visual impact of the development. Therefore whilst the extension would be immediately adjacent to the side boundary between the properties it would not result in an overbearing sense of enclosure that would be harmful to outlook for residents.
11. I therefore conclude that the extension would not result in harm to the living conditions of the neighbouring residents at No 94 Elm Walk with particular regard to light and outlook. It would therefore accord with Policy CS 14 of the London Borough of Merton Core Strategy 2011 and Policy DM D2 of the London Borough of Merton Site and Policies Plan 2014 insofar as they seek to secure high quality design that protects residential amenity.

Conditions

12. Conditions specifying the plans and requiring details of the external materials of the extension are required to protect the character and appearance of the area. A condition withdrawing permitted development rights for the insertion of additional openings in the extension is required in order to prevent undue overlooking and potential loss of privacy to adjoining residents.

Conclusion

13. For the above reasons and having had regard to all other points made, the appeal is allowed and planning permission is granted.

Roy Merrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1605-1; 1605-2; 1605-3; 1605-10.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no windows, dormers, rooflights or doors, other than those expressly authorised by this permission, shall be constructed.