



Appeal Decision

Site visit made on 10 October 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 7 November 2017

Appeal Ref: APP/T5720/W/17/3179708

2 Greenwood Road, Mitcham CR4 1PE

- 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 Dab Nzeribe against the decision of the Council of the London Borough of Merton.
 - The application Ref 16/P4383, dated 7 November 2016, was refused by notice dated 7 June 2017.
 - The development proposed is described as the demolition of the existing garage to allow for the construction of one detached house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the future occupants of the proposed development with particular regard to outlook, light and privacy.

Reasons

3. The appeal site comprises part of the rear garden of No 2 Greenwood Road which is a two storey end terraced property, converted into two flats, and forms the corner building at the junction of Greenwood Road with Abbotts Road. The end of the garden is partly occupied by a garage which is accessed off Abbotts Road.
4. The proposed development would involve the demolition of the garage and the construction of a two storey detached dwelling which would have three bedrooms in a basement and living accommodation on the ground floor. As such the property would appear as single storey in the context of views from the surrounding area. The proposed dwelling would be located at the end of the garden and occupy almost the full width of the plot. The current rear garden of the host property would be sub-divided to provide approximately 50sqm of private amenity space for the proposed dwelling leaving a reduced garden area of approximately 39sqm to serve the flats.
5. The primary windows in the proposed development would face north-east towards the rear of the host property. At basement level the three bedrooms would have windows facing on to a lightwell approximately 1m deep. French doors and roof lights would be provided at the ground floor level, similarly

facing north east with the proposed entrance door being on the elevation facing Abbotts Road.

6. The Council has drawn my attention to paragraph 2.3.36 of the Mayor of London's Housing Supplementary Planning Guidance (2006) (SPG). This paragraph suggests that a minimum distance of 18 – 21m between the habitable rooms of facing homes can be useful yardsticks for visual privacy. The Council suggest that the rear façade of the host property would be 15m from the facing elevation in the proposed dwelling and therefore less than the suggested separation distance provided in the SPG.
7. Appropriate boundary treatment could mitigate any direct views at ground level between rear windows of the host property and those facing windows in the proposed dwelling. However, the rear windows in the first floor flat would have relatively close views directly towards the French doors and roof lights of the proposed dwelling. I note that the rear windows of the first floor flat are bedrooms and a bathroom and, as such, views from these windows will likely be transient rather than persistent. However, whilst this may be the case they are nonetheless habitable rooms giving the potential for direct views over the appeal property. Consequently, I have attached considerable weight to the potential for overlooking views from these windows and a corresponding reduction in privacy for the future occupants of the proposed dwelling.
8. Although the appellant has suggested that perforated blinds could be used to mitigate overlooking from the first floor flat, these would cause a reduction in light and outlook at the appeal property. It is highly likely that such blinds would be regularly opened to maintain acceptable levels of light and outlook at the proposed dwelling. As such, I am not convinced that the provision of such blinds would resolve the issue of overlooking.
9. The proposed basement bedroom windows would have views directly towards the one metre deep lightwell. Basement bedrooms can be acceptable in some circumstances. However, in this case, given the fact that the proposed windows are north-east facing and the foreshortened outlook towards the retaining wall of the lightwell, the occupiers of the property are likely to experience a poor outlook and an unacceptable dark and oppressive environment in the proposed bedrooms.
10. The Council has also suggested that the proposed development would not provide adequate natural surveillance of the street. However, the proposed design provides for two windows in the west elevation of the dwelling facing Abbotts Road. One of these would be positioned in the hallway and the other would be a narrow vertical side window in the living/dining room. In reality views of the street would be primarily limited to those from the side window. Although its size and position would limit the extent to which views of the street can be obtained, I do not consider that the limitation to surveillance of the street in views from the side window would be of such a detrimental extent to warrant the dismissal of this appeal on those grounds.
11. Taking the above factors into account, the proposed development would be overlooked from the rear windows of the first floor flat to an extent that would cause an unacceptable loss of privacy. In addition, the basement bedrooms would experience poor outlook and reduced light. These impacts would cause unacceptable harm to the living conditions of the future occupants of the proposed dwelling. As such, the proposed development would be contrary to

Policies DM D1 and DM D2 of the Merton Sites and Policies Plan and Policies Maps (2014). These policies, amongst other things require development to be designed to the highest standards, ensure appropriate levels of daylight and protect that the living conditions of future occupiers from being diminished as a consequence of visual intrusion.

Other matters

12. I have taken into account the examples provided by the appellant of development within the Borough where bedrooms have been permitted in the basement with views towards lightwells. As mentioned above, basement bedrooms can be acceptable in some circumstances and the Council has explained the difference between the examples provided and the appeal scheme which led to those developments being found to be acceptable. Notwithstanding the Council's comments, I do not have full details of the nature of those developments or the planning circumstances that were applicable to their consideration at the time. Consequently, I cannot be sure that these are representative of the circumstance in this appeal and, in any case, I have determined this appeal on its own merits.

Conclusion

13. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR