



Appeal Decision

Site visit made on 23 September 2019

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2019

Appeal Ref: APP/T5720/D/19/3232847

40 Palestine Grove, Colliers Wood, London SW19 2QN

- 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 Mrs Ratiba Abed against the decision of the Council of the London Borough of Merton.
 - The application Ref 19/P1158, dated 21 March 2019, was refused by notice dated 24 May 2019.
 - The development proposed is erection of a two storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a two storey side extension at 40 Palestine Grove, Colliers Wood, London SW19 2QN in accordance with the terms of the application, Ref 19/P1158, dated 21 March 2019, and the plans submitted with it, subject to the following 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: 19002-001, 011, 012, 013, 014, 015, 016, 017 & 018.
 - 3) The materials to be used in the construction of the external surfaces of the extension shall match those used in the existing building.

Application for costs

2. An application for costs was made by Mrs Ratiba Abed against the Council of the London Borough of Merton. This application is the subject of a separate Decision.

Preliminary Matters

3. The first reason for refusal references harm to the "Liberty Grove" street scene. However, this appears to be an error as the appeal property is located on Palestine Grove and backs onto the rear of properties on Liberty Avenue. The Council's delegated report assesses the impact on the Palestine Grove street scene, and I have considered the appeal on that basis.

Main Issues

4. The main issues are:

- i) the effect of the development on the character and appearance of the host property and area;
- ii) the effect of the development on the living conditions of the occupiers of 38 Palestine Grove and properties in Liberty Avenue, with particular regard to outlook, light and privacy; and
- iii) whether the development would leave sufficient garden space for the occupiers of the appeal property.

Reasons

Character and appearance

5. Palestine Grove is a narrow residential street of two storey terraced houses positioned a short distance back from the road. Its character is dense with a variety in the style, materials and width of the properties. The few gaps between properties are irregular.
6. The appeal property is located at the end of a terrace. Its side garden, combined with the passageway to the side of No 38, provides a large gap between the buildings. However, because of the narrow width of the street and the manner in which the appeal property sits further back from No 38, this gap is only experienced at very close quarters. Furthermore, the view through this gap is of the rear of the terraced properties on Liberty Avenue and as such, is not an open view. Consequently, its value in providing a sense of visual relief within the street scene is very limited.
7. Therefore, whilst the extension would lead to a reduction in this gap, this would not be a reason, on its own, to justify withholding planning permission. Moreover, due to its set back from the front, lower ridge height and the retention of a gap to No 38, the extension would be subservient to the host property and recessive within the street scene. In addition, the design of the extension, by reason of its proportions, materials and fenestration, would be sympathetic to the existing property and its surroundings.
8. I conclude, on this issue, that the development would respect the appearance, scale and proportions of the host property, and would relate appropriately to the existing street pattern and character. In these regards, the proposal accords with Policies 7.4 and 7.6 of the London Plan (2016), Policy CS14 of the London Borough of Merton LDF Core Planning Strategy (2011) (MCPS), and Policies DMD1, DMD2 and DMD3 of the Merton Sites and Policies Plan (2014) (MSPP). Collectively, these policies seek to ensure that new development is of high quality design, which respects the existing building and street character.

Living conditions of neighbours

9. Based on the delegated report and my own observations during my site visit it is evident that the Council's concerns in this respect relate to 38 Palestine Grove and the properties to the rear on Liberty Avenue, particularly Nos 43 and 45.
10. No 38 is located to the east of the appeal property, not the west as described in the delegated report. The window that the Council refer to in the side

elevation of No 38 is obscure glazed, akin to a bathroom window, and as such would not suffer any unreasonable loss of outlook. The main outlook of No 38 is to the front and rear. Because the extension would be set back relative to both those elevations it would not impede or appear visually intrusive on those outlooks.

11. The rear garden of No 38 is L-shaped with the main usable area further to the north east where the existing buildings are already likely to limit the amount of sun it receives. As the extension would be lower than the existing building and would not project beyond the rear of No 38, it would be unlikely to overshadow No 38's garden.
12. The properties to the rear on Liberty Avenue have reasonably sized gardens, separated from Palestine Grove by a narrow alleyway. The extension would terminate some 4m back from the rear boundary and as such would sit further back from Nos 43 and 45 Liberty Avenue than both the gable of the appeal property and the rear of 38 Palestine Grove. This separation, combined with the hipped end roof, not a gable as described by the Council, would ensure that the extension would not be overbearing on Nos 43 and 45. Furthermore, the first floor rear window would be an obscure glazed bathroom window and therefore it would not lead to unacceptable overlooking and loss of privacy to those properties on Liberty Avenue.
13. I conclude, on this issue, that the development would not cause harm to the living conditions of the occupiers of 38 Palestine Grove and 43 and 45 Liberty Avenue through loss of light, outlook and privacy. In this regard, the proposal accords with MSPP Policy DMD2, where it seeks to prevent visual intrusion and loss of light and privacy to adjoining buildings and gardens.

Garden space

14. The appeal property currently benefits from a generously large garden compared to the rest of the properties within the terrace.
15. The extension would be located centrally leaving two similar sized garden spaces to the front and rear. The Council raises concerns over the size of the rear garden area and the limited sunlight it would receive, but it is not much different in those respects to the other neighbouring properties. Moreover, the south facing garden area to the front would receive sunlight and would also benefit from a good level of privacy by reason of the solid timber gates and fencing, which the Council says is around 2m high.
16. I am therefore satisfied that the combined front and rear garden spaces would be sufficient to meet the needs of the current and future occupiers of the appeal property. As such, their living conditions would not be unacceptably compromised by the development. In coming to this view, I acknowledge that MSPP Policy DMD2 (6.17) seeks a minimum garden area of 50m², but it is apparent from its wording that this relates to "new houses" and therefore I give it very limited weight in the consideration of this appeal.
17. I conclude, on this issue, that the development would not leave the occupiers of the appeal property with insufficient garden space. In this regard, there is no conflict with MCPS Policy CS14 and MSPP Policy DMD2, where they seek to ensure development provides appropriate quality of living conditions for its existing and future occupiers.

Conditions

18. I have had regard to the planning conditions that have been suggested by the Council. I have considered those conditions in the light of the National Planning Policy Framework and the Planning Practice Guidance (PPG), and where necessary, I have amended the wording so they meet the relevant tests.
19. The standard time limit condition of three years, as well as a condition that the development is carried out in accordance with the approved plans are necessary for the avoidance of doubt and in the interests of proper planning.
20. A requirement to provide details and samples of external materials, including windows and doors, prior to any development taking place would be unreasonable. The aims of securing an appropriate appearance of the development can be achieved through a condition requiring the external materials to match the existing building, so a condition to this effect is imposed accordingly.
21. The PPG advises that conditions removing permitted development rights may not pass the test of reasonableness or necessity. The Council's suggestion to remove permitted development rights for windows, dormers, rooflights and doors is not necessary or reasonable, so the condition is not imposed.

Conclusion

22. For all the reasons above, I conclude that the appeal should be allowed.

Adrian Caines

INSPECTOR