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## Appeal Decision

Site visit made on 14 October 2019

**by Jamie Reed DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 04 November 2019**

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**Appeal Ref: APP/T5720/D/19/3233783**

**31, Effra Road, London SW19 8PW**

- 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 Matt Bidwell against the decision of the Council of the London Borough of Merton.
  - The application Ref 19/P1091, dated 15 March 2019, was refused by notice dated 10 May 2019.
  - The development proposed is single storey rear extension (extension of existing extension).
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this appeal is the effect of the proposal on the living conditions of the occupiers of No 33 Effra Road with particular regard to outlook and daylight.

### Reasons

3. The appeal property is situated midway along a terrace of similar dwellings. To the rear of the terrace, the appeal property and a number of the other properties have substantial full-width, single storey extensions. These vary in form, with some having pitched roofs where others, including the appeal property have flat roofs. One of the adjoining properties, No 29 Effra Road already has a significant rear extension of flat roof construction, which is greater in height and in length than the existing one at the appeal property. The proposal would add to the length of the existing extension so that it would match the length of that at No 29 Effra Road but it would remain lower in height in comparison.
4. The other adjoining property, No 33 Effra Road, is an exception in this part of the terrace as it has a far more modest offshoot extension than the others. It is not full width and of a lesser rearward projection when compared to its neighbours. As a result of the significantly smaller rearwards projection, the existing extension at the appeal property is visually prominent from No 33, with the side of this effectively forming part of their rear garden boundary wall.
5. The proposal seeks to increase the size of the existing rear extension by adding to its length and also increasing its height. It would remain flat roof in form.

This would result in an increase in the height and length of built development along the shared boundary with No 33 Effra Road. Such an arrangement would effectively result in a larger and more visually prominent form of enclosure than at present. This would dominate rearward views when looking out from the ground floor windows of No 33 and also when outside in the garden area, resulting in an increased sense of enclosure. The increase in height would also result in a slight reduction of the amount of daylight to the rear of this neighbouring property, further compounding this harm. For these reasons, the scheme would therefore appear oppressive and overbearing when viewed from either inside or outside of No 33 Effra Road and would detract from and harm the living conditions of neighbouring residents.

6. The appellant asserts that he would have reduced the height of the appeal proposal to reduce any impacts but was not given the opportunity to do so during the application process. Since the refusal of planning permission, he has now established via the Neighbour Consultation Scheme that he could build an extension of a similar rearward projection to the appeal proposal without having to obtain Prior Approval from the Council. However, a key difference between this and the appeal proposal is that it would be lower in height along the boundary with No 33 Effra Road, and as such, it would not be as visually prominent or harmful as the proposal that is before me.
7. The appellant contends that the extension is similar to others in the street and as such, considers the Council's decision to have been unreasonable. Whilst I can accept that there are indeed other such extensions nearby, it is not simply the case that what's acceptable on one site being acceptable on another. Every site will have its own site-specific circumstances and merits upon which it is considered. In this respect, the impacts of developments in this street will differ from property to property due to the differing amounts of rearward development that already exists to the properties on either side. As a result, these other developments are not directly comparable to the proposal which is before me. In any event, I am not bound by other decisions of the Council. As such, I can only afford little weight to this argument.
8. The appellant has highlighted that the occupiers of No 33 have taken no issue with the proposal and that they see this as providing an opportunity for them to utilise the boundary wall for a future extension of their own. Whilst this may be the case, I have not been made aware of any firm details of such a scheme. In any event, even if there was planning permission in place for an extension at No 33, there would be no guarantee that this would ever be constructed and consequently this matter does not alter my decision with regard to the appeal proposal.
9. For the above reasons, I conclude that the proposal would be harmful to the living conditions of the occupiers of No 33 Effra Road. Consequently, the proposal is contrary to Policy CS14 of the London Borough of Merton LDF Core Planning Strategy (2011) and Policies DM D2 and DM D3 of the London Borough of Merton Sites and Policies Plan (2014). When read together, these policies seek to ensure proposals are of a high quality design that protects amenity by maintaining appropriate levels of daylight and outlook to adjoining buildings and gardens.

**Conclusion**

10. I conclude that the appeal is dismissed.

*Jamie Reed*

INSPECTOR