
Appeal Decision

Site visit made on 14 October 2019

by Jamie Reed DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2019

Appeal Ref: APP/T5720/D/19/3233909

411 West Barnes Lane, New Malden KT3 6PA

- 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 May Chua against the decision of the Council of the London Borough of Merton.
 - The application Ref 19/P0336, dated 11 January 2019, was refused by notice dated 24 May 2019.
 - The development proposed is replacement of an existing garage with a side extension and addition of porch to the front of the house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has referred to a set of plans (Revision A) which she advises were sent to the Council during the course of the application and has requested that I also give consideration to these in reaching my decision. Upon inspection, it is clear that these plans seek to address the Council's concerns as these show a lesser form of development than what was originally applied for. The key differences are the reduction in height of the extension and the omission of the front 'porch' element. It is clear from the information before me that the Council gave due consideration to both of these sets of plans prior to making their decision. As such, no one would be prejudiced if I too considered these plans for a reduced form of development. I have therefore determined the appeal on the basis of the two versions of the proposed plans that the Council considered. These show the proposal both with and without the porch element, namely drawing No's 11173 05 and 11173 06 and 11173 05 Rev A and 11173 06 Rev A.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the appeal property and the surrounding area; and
 - the living conditions of the occupiers of No 413 West Barnes Lane with particular regard to daylight and outlook.

Reasons

Character and appearance

4. The appeal property is a semi detached dwelling situated mid-way down a street of buildings of a similar size and appearance. Whilst the buildings are similar, it is apparent that some of these, including the ones closest to the appeal property, No's 413, 415, 417 and 419 West Barnes Lane, are laid out as 4 flats as opposed to a pair of semi-detached dwellings. Notwithstanding this, other than works to form rooms in roofspaces, the buildings here generally maintain their original form to their fronts and as a result, there is a distinct architectural rhythm to the street, largely as a result of the catslide roof detailing above the main entranceways to the buildings.
5. A small detached prefabricated garage occupies the space to the side of the appeal property. This is clearly an old and dilapidated structure which must have been present for a significant period of time. The position of this garage is somewhat unusual, as it is set a significant distance forward of the building line of the appeal property and is angled away, so that it follows the splayed line of the boundary that the dwelling shares with the two closest flats, namely No's 413 and 415 West Barnes Lane. As a result of the splayed nature of this shared boundary, the space to the side of the appeal property progressively reduces, as you move further towards the rear of the site. Consequently, due to its prefabricated nature and the limited space available, only a small section of the garage can fit into this area.
6. The proposal seeks to build a single storey extension that would occupy the general footprint of the existing garage but would be wider and longer, infilling the current gap that exists inbetween this and the appeal property. It would also occupy some of the space to the side of the dwelling, to the rear of the garage. Most notably, the extension would be set forwards a significant distance from the front elevation of the appeal property, in a similar manner to the existing garage. The front of the extension would run parallel to the front of the appeal property, as opposed to the current angled arrangement presented by the garage. Whilst this re-alignment would be an improvement to the current arrangement, the positioning of the extension would still appear very unusual, as this would extend much further forward than you would reasonably expect to see in terms of an extension to the front of a dwelling.
7. It was clear from my site visit that there are no other examples of house extensions that are positioned to the front of their hosts in the manner proposed. Therefore, as a result of this significant forward positioning and irregular footprint, the extension would result in a discordant form of development that would relate poorly to the appeal property and would be highly incongruous within the streetscene, interrupting the otherwise ordered rhythm of development that is apparent.
8. Whilst I acknowledge that there are some positions from which the proposal would not be readily visible, there would still be large sections of the approach to the appeal site, particularly from the south east where it would be in clear view and would appear at odds with the pattern and rhythm of the dwellings that occupy the street.
9. In terms of the appearance of the proposal, a 3D visualisation has been prepared in order to illustrate how this would look. I acknowledge that the garage is already present and in a dilapidated condition and that the proposal

would result in a newly constructed extension, which would be more pleasing to the eye in terms of fresh finishes and materials. However, the garage is clearly a physically separate and distinct structure of a modest size that serves an ancillary function to the appeal property. Standalone structures such as this, along with other forms of domestic paraphernalia such as sheds, greenhouses and large items of garden furniture can sometimes be found in such positions. As a result of its physical connection to the appeal property however, the proposed extension would appear awkward within its context and at odds with its host.

10. For these reasons, I conclude that the proposed extension, in either its original or 'Revision A' iteration would be harmful to the character and appearance of the appeal property and the surrounding area. 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 respect, reinforce and enhance the local character of the area by using appropriate architectural forms that complement the design and detailing of the original building and reflect the siting and rhythm of existing street patterns.

Living Conditions

11. I noted that there is only a narrow gap between the front corner of No's 413 and 415 West Barnes Lane and the boundary that is shared with the appeal property. Consequently, the forwardmost windows that are present in the side elevation of the ground floor of the neighbouring building, namely No 413 West Barnes Lane are very close to and look directly towards the shared boundary. A more open aspect will currently be enjoyed from the ground floor side windows that are further towards the rear however, as the two buildings angle away from one another at that point.
12. When compared to the existing garage, the proposed extension would project much further to the rear, effectively infilling much of the wedge shaped gap to the side of the appeal property. As a result of its size and its positioning along the boundary, it would be clearly visible from all of the side windows of No 413. This would be more visible than the current arrangement, where the garage will only be primarily visible from the side window closest to the front of the property. Consequently, the proposal would have a harmful overbearing effect upon the occupier's outlook from these side windows. Furthermore, due to the increase in the amount of built development along the shared boundary in this location, the proposal would also have a detrimental effect upon the levels of daylight that would enter the aforementioned side windows. Collectively, these factors would be harmful to the living conditions of the occupiers of No. 413 West Barnes Lane.
13. The appellant contends that the proposed extension would not be any closer to No 413 than the existing garage and would be no higher. As such, she considers that no harm would be caused as a result of the proposal. She also explains that the occupiers of No 413 have other outdoor areas to the rear of their property available to use, which would be unaffected by the proposal. Whilst it may be the case, it is nonetheless clear that the proposal would project a significant distance further along the shared boundary between the two properties than the current arrangement. As such, even if the occupiers of No 413 did choose to utilise the rear garden area, this would not overcome the

harm that I have identified with regards to the poor outlook and reduction in daylight that they would experience from the windows in the side of their property, as described above.

14. For these reasons, I conclude that the proposal, in either its original or 'Revision A' iteration would be harmful to the living conditions of the occupiers of No 413 West Barnes Lane with particular regard to outlook and daylight. 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 in this regard, these policies seek to ensure proposals are of a high quality design that are not unduly dominant and protect amenity by maintaining appropriate levels of daylight and outlook to adjoining buildings and gardens.

Other Matters

15. The appellant has highlighted what they describe as a number of errors and inconsistencies in the decision notice issued by the Council. Whilst it is clear that she is frustrated with her experience with the Council to date in dealing with this matter, this has not had any bearing on the decision I have reached in this appeal.
16. It has been suggested that a substantial part of the proposal could be constructed using permitted development rights and that this could be of a greater height than that which is proposed. Whilst this may be the case, I can only consider the matters which are before me, which as explained above, I have found would result in harm.
17. Reference has been made to a development at another property in the area¹, which the appellant considers to be similar to that which is before me, in terms of siting, size and context. Whilst it is inevitable that comparisons will be made between developments, each will have its own site-specific circumstances and merits upon which it will be considered. From the observations made during my visit, it is clear that this other development is significantly different to the appeal proposal. The property involved is single storey in nature and is located in a far more isolated location, where there is not a similar pattern of development to that of the appeal site. As such, this other development is not directly comparable to the appeal proposal, nor does it create the same type of precedent or harm that would occur in this instance.
18. I acknowledge that the appellant is keen to maintain a good relationship with her neighbours and has suggested a number of measures that she would be willing to undertake in order to make the proposal acceptable. However, such steps would not overcome the clear harm that I have identified above.

Conclusion

19. For the reasons given above and taking into consideration all other matters, including the appellant's desire to improve the appearance of her property and add living space, I conclude that the appeal should be dismissed.

Jamie Reed

INSPECTOR

¹ Application Ref: 15/P2991