
Appeal Decision

Site visit made on 12 November 2019

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st November 2019

Appeal Ref: APP/T5720/D/19/3235515

121 Springfield Avenue, Wimbledon Chase, London, SW20 9JS

- 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 Qinghua Guan against the decision of the Council of the London Borough of Merton.
 - The application Ref: 19/P1429 dated 5 April 2019, was refused by notice dated 29 May 2019.
 - The development proposed is the retention of the existing outbuilding.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I saw at my site visit that the outbuilding has already been constructed. The appeal proposal is therefore retrospective and I have assessed it accordingly and on the basis of the plans and evidence before me.

Main Issues

3. The main issues are the effect of the development on i) the living conditions of the occupiers of neighbouring properties with particular regard to outlook and privacy and ii) the character and appearance of the area.

Reasons

Living conditions

4. From the evidence before me, the outbuilding measures approximately 7.6 m wide with a maximum depth of approximately 9.1 m. The front part of the roof of the outbuilding is flat and the rear part has a shallow double pitch. The flat roof is approximately 2.5 m high and the ridge of the pitched roof element is approximately 3.7 m high.
5. Existing vegetation in the garden of the neighbouring property, 123 Springfield Avenue, alongside the boundary with the appeal property provides substantial screening at ground floor level of both the outbuilding from No. 123 and of the area immediately to the rear of No. 123 from the outbuilding. As the outbuilding is single-storey and partially screened by this vegetation, it is not significantly harmful to the outlook from the first-floor windows of No. 123.
6. Given the position of the outbuilding relative to the arc of the sun, it does not result in unduly harmful overshadowing of the garden of No. 123. I have no

evidence that the use of the outbuilding causes, or will cause, undue disturbance though noise or light pollution. I note that these matters are not cited in the Council's reason for refusal. The external materials and finishes are acceptable for an outbuilding.

7. However, the outbuilding is very close to the side boundaries of the appeal property on both sides. From the evidence before me, the fence on the boundary with 119 Springfield Avenue is approximately 3.0 m high whilst that on the boundary with 123 Springfield Avenue is approximately 1.4 m high.
8. Whilst therefore largely hidden from the rear garden of No. 119, the outbuilding is clearly visible from the rear half of the back garden of No. 123 where there is no screening vegetation, with views of both the side and rear of the outbuilding. The flank wall of the outbuilding alongside the boundary with No. 123 is over 7 m long which, in combination with its height relative to the fence and proximity to the boundary, is harmful to the outlook of the occupiers of No. 123 for a substantial proportion of their garden.
9. Furthermore, this elevation has two sizeable domestic-style windows facing the garden of No. 123, the upper parts of which are higher than the fence. Even if these are obscure-glazed, they lead to a perception of being overlooked. Whilst it was possible to look over the fence prior to the erection of the building and is still possible to do so from the narrow access between the building and the fence, the use of the building increases the opportunities for overlooking throughout the year.
10. As a result, I find that the outbuilding is harmful to the living conditions of the occupiers of No. 123 due to its being harmful to outlook and resulting in a loss, or perceived loss, of privacy. I note the appellant's willingness to remove the windows or to have a taller fence on the boundary with No. 123 to address the privacy issue, but this is not the development before me.
11. I therefore conclude that the retention of the outbuilding would conflict with Policy DM D2 of the Sites and Policies Plan (2014) (SPP) in this respect, which, amongst other things, expects development proposals to ensure quality of living conditions and privacy to adjoining gardens and to protect existing development from visual intrusion. It would also conflict with Policy 7.6 of the London Plan (2016)¹ which, amongst other things, requires buildings and structures not to cause unacceptable harm to the amenity of surrounding land and buildings in relation to privacy.

Character and appearance

12. Springfield Avenue is in a mature residential area with semi-detached and terraced predominantly 2-storey dwellings to either side in reasonably sized plots. The majority of the rear gardens of the properties on the north-eastern side of the road, including the appeal property, back onto a railway line. I saw on my site visit that many of the rear gardens accommodate outbuildings of varying sizes and forms, including an outbuilding at the end of the garden of a property neighbouring the appeal site, 119 Springfield Avenue.
13. Although the outbuilding is large in footprint, its overall bulk is reduced by the flat roof. It does not impact on the street scene as it is not visible from Springfield Avenue. As I saw for myself during my site visit, it can be seen by

¹ The Spatial Development Strategy for London Consolidated with Alterations since 2011

passengers using trains on the railway line to the rear of the appeal property, but it is not unduly prominent and is seen in the context of the other outbuildings and the rear elevations of the dwellings on Springfield Avenue.

14. I note that the main dwelling has been extended to the rear, thus reducing the available garden area. However, there still remains a significant open area between the rear of the main dwelling and the outbuilding. The size and location of the outbuilding is not so inconsistent with other development in the locality as to be harmful to the character or appearance of the area.
15. I therefore conclude that its retention would not conflict in this respect with Policy CS 14 of the London Borough of Merton LDF Core Planning Strategy (2011) nor with Policy 7.4 of the London Plan which both seek to protect character.

Conclusion

16. For the reasons given above, the appeal is dismissed.

Martin Small

INSPECTOR