



Appeal Decision

Site visit made on 10 February 2020

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2020

Appeal Ref: APP/T5720/D/19/3243072

68 Shaldon Drive, Morden SM4 4BH

- 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 Architecture North Ltd against the decision of the Council of the London Borough of Merton.
 - The application Ref 19/P2833, dated 22 July 2019, was refused by notice dated 23 October 2019.
 - The development proposed is demolition of existing outbuilding and erection of new outbuilding to provide a self-contained annexe.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are, the effect of the development on the character and appearance of the area; and upon the living conditions of the occupiers of neighbouring residential properties, with particular regard to outlook and privacy.

Reasons

Character and appearance

3. No 68 is a two storey semi-detached house, which like other neighbouring properties, has a single storey outbuilding at the end of the rear garden.
4. The replacement outbuilding is described as one and a half storey in height, but it would be considerably larger than the existing and any other neighbouring outbuildings. Internally it would contain all primary living facilities over two floors with a kitchen, living room, wc, double bedroom, wetroom and a separate dressing room. The living accommodation would be served by large windows on the south western and south eastern elevations. Contrary to the appellant's claims, it would also be possible for an occupier of this building to access it from the lane between Nos 68 and 70 without going through the house. Parking on Shaldon Drive is not restricted. I therefore consider that the building could provide for independent living from the house, and through its size, location and design, it would have the appearance as such.
5. I am mindful that the intended occupation of the building could be controlled by an appropriately worded planning condition, but for the reasons above, it would be a substantial sized building within this domestic garden with little functional and visual association to the main house. As such, it would appear as an incongruous form of development, readily visible from the surrounding

neighbouring properties, and briefly from Shaldon Drive due to the lane between Nos 68 and 70.

6. I conclude, on this issue, that the development would cause significant harm to the character and appearance of the area. Thus, it would be contrary to Policy 7.6 of the London Plan 2016 (LP), Policy CS14 of the Merton LDF Core Planning Strategy 2011 (MCS), and Policy DMD2 of the Merton Sites and Policies Plan and Policies Maps 2014 (MSPP). Collectively, these require new development to respect and compliment local character and appearance, and to, amongst other things, relate appropriately to the scale, height, and massing of surrounding buildings and context.

Living conditions

7. The building would be located at the bottom of the garden, but it would abut the boundary with No 66 and project beyond the adjacent garage. Even though the eaves height would be lowest at this point and the roof would slope away from the boundary, the size and proximity of the building, exacerbated by the large first floor windows in the south eastern elevation, would introduce a prominent and intrusive structure at the bottom of the appeal site when viewed from the garden and rear windows of No 66.
8. In addition, the lane separating the appeal site from No 70 is very narrow. The low boundary treatment and small trees in the garden of No 70 provide only limited screening, and the trees could not be relied on in perpetuity. The south western elevation of the building would contain further floor-to-ceiling height windows, as well as the main entrance to the accommodation. Due to the size and proximity of the building, extensive windows, and its use, it would also be prominent and intrusive from the garden and rear windows of No 70.
9. I have noted the concerns of residents to the rear on Templecombe Way, but due to the greater separation and absence of any windows to the rear of the building, I am satisfied that there would be no harmful effects on those properties. This does not however alter my overall findings on this issue.
10. I conclude, on this issue, that the development would have an unacceptable effect on the outlook and privacy of 66 and 70 Shaldon Drive and would therefore cause significant harm to the living conditions of the occupiers of those neighbouring properties. Thus, it would be contrary to LP Policy 7.6 and MSPP Policy DMD2, in so far as they seek to ensure that the living conditions of neighbouring occupiers are not unduly diminished by visual intrusion and loss of privacy from new development.

Other Matters

11. The existing outbuilding is in poor condition and detracts from the area. The development would also meet the family needs of the appellant. Irrespective, this does not justify the harm I have identified.

Conclusion

12. For the reasons given, the appeal should be dismissed.

Adrian Caines

INSPECTOR