

Appeal Decision

Site visit made on 16 March 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2020

Appeal Ref: APP/T5720/D/19/3242602

25 Greenwood Close, Morden SM4 4HX

- 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 Kamal Ashraf against the decision of the Council of the London Borough of Merton.
 - The application Ref 19/P3239, dated 3 September 2019, was refused by notice dated 7 November 2019.
 - The development proposed is the erection of a 3m deep canopy.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At my visit I saw a canopy in place to the rear of the appeal dwelling, although to the sides of the canopy were widely-spaced vertical wooden posts as opposed to uPVC panels which are indicated on the submitted drawings. While the appellant has indicated a willingness to amend the proposal to remove the uPVC panels above the boundary fences to either side of the canopy, I have no details before me of a revised scheme and it is not clear whether or not the wooden posts would remain. In any event, the appeal process should not be used to evolve a scheme. I have therefore determined the appeal on the basis of the submitted drawings.
3. I note the appellant's comments that he was unaware that planning permission was required and that the Council did not visit the site prior to determining the application. Nevertheless, these are not matters which alter my consideration of the planning merits of the appeal.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on (i) the living conditions of the occupiers of 24 and 26 Greenwood Close with particular regard to outlook and whether or not it would be overbearing; and (ii) the character and appearance of the host building and area.

Reasons

Living Conditions

5. The terraced dwelling on the appeal site has already been extended to the rear. The proposed canopy would attach to the existing extension, and would extend across the majority of the width of the site to be set close to the boundaries with the adjoining neighbours at 24 and 26 Greenwood Close.

6. No 26 has also been extended to the rear, and the canopy would not project a significant distance beyond this. In comparison to the appeal dwelling, the rear of this neighbour is also at a slightly higher land level, and the canopy roof would not be significantly higher than the existing boundary fence. Views of the canopy from this neighbouring dwelling would therefore be limited. Taking these factors together, I find that the development would not unduly enclose or dominate the available outlook so as to result in an overbearing feature, or cause loss of light which would be harmful to the occupiers of this dwelling.
7. No 24 has not been extended to the rear at ground floor level. However, the use of uPVC panels to the sides of the canopy would enable a degree of light to pass through the structure, and given its position to the north west of this neighbour, I am satisfied that the development would not cause unacceptable loss of light to the occupiers of this dwelling.
8. That being said, the enclosed sides would still result in a perception of solid built form as seen from the perspective of No 24. Combined with the existing extension to the appeal dwelling, the canopy would project a considerable depth beyond the rear elevation of this neighbour. Furthermore, the canopy would be set close to, and would be appreciably higher than, the fence which marks the boundary. In my view, the height of the canopy structure, as well as the significant depth of built form in close proximity to the boundary would combine to result in a dominant and visually intrusive feature. This would result in a significant enclosing effect to the rear of No 24, and would be overbearing to the occupiers of this dwelling.
9. I acknowledge that neighbours have not objected to the proposal, but for these reasons I find that the development would cause unacceptable harm, and this harm would be permanent. Although I am also sympathetic to the appellant's desire to improve privacy for the dwelling and to provide protection from the weather, these factors do not outweigh the harm I have identified.
10. I therefore conclude on this main issue that the development would result in unacceptable harm to the living conditions of the occupiers of 24 Greenwood Close with particular regard to outlook and it would be overbearing. Accordingly, there would be conflict with Policy CS14 of Merton's Core Planning Strategy 2011 (CS) and Policies DM D2 and DM D3 of the Sites and Policies Plan and Policies Maps 2014 (SPPPM). Together, these broadly require high quality development which ensures that living conditions are not diminished, including by reason of visual intrusion. The Council have also referred to Policies 7.4 and 7.6 of the London Plan - The Spatial Development Strategy for London Consolidated with Alterations Since 2011 (LP), but these relate to local character and architecture and seem to be of more limited relevance here.

Character and Appearance

11. Taken together with the existing extension, the proposed canopy would project notably deeper than the original rear building line of the appeal dwelling. However, despite its depth, the extension would be a relatively lightweight structure which would not be enclosed to the rear and which would have a roof set well down from the pitched roof of the extension. These attributes would minimise its bulk and visual impact. A fairly long rear garden would also be retained to the rear of the canopy, and overall I find it would not appear disproportionate to the two-storey host dwelling or appeal site.

12. The canopy and extension combined would be of greater depth than is typical of other nearby rear extensions, and I did not see any examples of comparable rear canopies. However, extensions to the rear of dwellings on Greenwood Close are of mixed scales and designs, and assorted outbuildings are present within some gardens. Against the resulting diversity in built form, the appearance of the development would not be jarring or intrusive. Moreover, the mid-terrace position of the appeal dwelling means that the canopy would not be readily visible from Greenwood Close or public viewpoints in the surrounding area, further limiting the visual impact on the area.
13. Given the specific context and circumstances, I can find no compelling grounds to conclude on this main issue that the proposal would cause unacceptable harm to the character or appearance of the appeal dwelling or surrounding area. In this regard, I find that the proposal would comply with Policies 7.4 and 7.6 of the LP, Policy CS 14 of the CS and Policies DM D2 and DM D3 of the SPPPM which together seek development that respects and enhance the local character of the area and the form, scale, bulk and proportions of buildings.

Conclusion

14. Although I have found that there would be no harm to the character and appearance of the area, there would be unacceptable harm to the living conditions of the occupiers of 24 Greenwood Close. The proposed development would therefore be contrary to the development plan as a whole and there are no considerations which outweigh this conflict. Accordingly, and for the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR