



Appeal Decision

Site visit made on 8 June 2020

by P W Clark MA(Oxon) MA(TRP) MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2020

Appeal Ref: APP/T5720/D/20/3246184
207 Hillcross Avenue, Morden SM4 4BU

- 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 Amanj Mohammad against the decision of the Council of the London Borough of Merton.
 - The application Ref 19/P3558, dated 2 October 2019, was refused by notice dated 26 November 2019.
 - The development is a lightweight structure at the back of the house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is made retrospectively. On my site visit, I saw that a structure has been built on site which appears to correspond with that indicated on the application drawings.

Main Issues

3. The Council's decision notice appears to give rise to only one main issue, that is the effect of the proposal on the living conditions of the neighbours on either side but I agree with the appellant that the Council's officer report also identifies a second issue, that of the effect of the proposal on the character and appearance of the area.

Reasons

Character and appearance

4. As constructed, the rear elevation of the structure is formed of upvc doors and windows, six bays wide, of which the two more northerly bays are infilled with opaque panels. The roof is formed of a translucent plastic or perspex material, not dissimilar to that used in the covering to a verandah at the adjoining property, number 205. The side elevations are solid but faced on the exterior towards number 205 by the same perspex sheeting as used on the roof. The construction gives the impression of being somewhat makeshift but the materials and form of the structure are not untypical of that seen in similar situations to the rear of a suburban property.
5. I conclude that although the construction does not provide the high quality of design sought by London Plan policies 7.4 and 7.6, it does not conflict with the

requirements of policies DM2 and DM3 of the Council's Sites and Policies Plan July 2014 for external materials appropriate to their surroundings.

Living conditions of neighbours

6. The extension the subject of this appeal is built onto the end of an earlier extension, about 6m deep. Its neighbour to the south, number 209 has an extension of similar depth so that, in relation to that neighbour, the current appeal proposal extends only a further 3.9m. It projects above the close-boarded side fencing by about 500mm. Those dimensions are well within the range of what is commonly thought to have little or no effect on a neighbour's daylight or outlook. The position of the current appeal scheme to the north of number 209 would also result in little or no effect on sunlight received at 209.
7. The relationship with number 205 to the north is different. The two properties are positioned on the inside of a bend in the road so that, at their rear, they are slightly angled towards each other. Number 205 is not extended and so the full extent of both extensions at the appeal site is experienced in the outlook from the house. The previously existing 6m extension is set off the boundary by about 1m or so. Through the foreshortening effect of perspective, that separation means that its effect on the outlook from number 205 is reduced. Vegetation at number 205 helps to conceal it from view.
8. By contrast, the building the subject of the current appeal is constructed right up to the boundary. Ground levels between the two properties differ. When viewed from the garden of number 205, it can be seen that there remains a low, close-boarded boundary fence, about 1.4m high, to which has been added lapped horizontal boarding to a height of about 2.1m. The extension subject to the current appeal then rises a further 0.7m or so above the fence, clad, as previously noted, in perspex sheeting.
9. The position of the appeal structure, 6m or so away from the living room windows of number 205, is unlikely to cause a greater loss of daylight to any habitable room than does the previously existing extension but I conclude that its position on the boundary, together with its makeshift appearance, is unneighbourly. Positioned south of number 205, it would cast a shadow over part of its garden. It would therefore contravene those provisions of the Council's Sites and Policies Plan policies DM2 (v) and (vi) and DM3 (vi) which, amongst other matters, seek to protect existing development from visual intrusion and to ensure appropriate levels of sunlight to adjoining gardens.

P. W. Clark

Inspector