
Appeal Decision

Site visit made on 25 August 2020 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2020

Appeal Ref: APP/T5720/W/20/3245908

20 Biggin Avenue, Mitcham CR4 3HN

- 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 Firoz Rajwani against the decision of the Council of the London Borough of Merton.
 - The application Ref 19/P0806, dated 11 February 2019, was refused by notice dated 31 July 2019.
 - The development proposed is a 1st floor extension to existing single storey side extension to create an additional 1-bedroom self-contained dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues in the appeal are:
 - the effect of the proposed development on the character and appearance of the host dwelling and surrounding area; and
 - the effect of the proposed development on the living conditions of the occupiers of 21 Biggin Avenue in relation to outlook.

Reasons for the Recommendation

Character and Appearance

4. The appeal site is occupied by a two-storey end of terrace dwelling which currently has a single storey side extension with a flat roof to the east. The site is set within a cul-de-sac in a residential location, comprised of other two-storey terraced and semi-detached dwellings of a similar size and style to the appeal property that are laid out in a symmetrical fashion. This symmetry is a strong characteristic of the vicinity. The proposed development is a first-floor extension over the existing single storey side extension to create a separate one-bedroom dwelling.

5. The proposal has been amended from a previous application, with a reduced ridge height, a set-back on the front elevation and a lower eaves height on the side elevation. This would give the appearance of a subordinate extension to the main dwelling. It is also noted that the lower eaves height would match some neighbouring properties in Biggin Avenue. However, the proposal would be a significant addition to the end of this terrace and would be a prominent feature in the streetscene which would imbalance the row of four terrace dwellings that are largely symmetrical. The imbalance would be particularly conspicuous because the terrace is located centrally within Biggin Avenue opposite its entrance from Camomile Avenue.
6. Although a visual gap would still remain between the appeal site and the neighbouring property at 21 Biggin Avenue, this would be substantially reduced by the proposed extension. The relatively large spaces between the blocks of dwellings on Biggin Avenue contribute positively to the character of the area and the proposal to partially close the gap at first floor level would harm this characteristic. The creation of a separate dwelling with a smaller width than others in the area would also appear out of keeping with the surrounding dwellings and would disrupt the strong pattern of development in the area.
7. Subsequently, the proposed development would harm the character and appearance of the host dwelling and surrounding area and would be contrary to Policies 7.4 and 7.6 of The London Plan (2016), Policy CS14 of the LDF Core Planning Strategy (2011) and Policies DMD2 and DMD3 of the Sites and Policies Plan (2014). The relevant parts of these policies collectively seek to provide a high quality design response to respect, reinforce and enhance the local character of the area, ensure new development relates positively and appropriately to the siting, rhythm, and massing of surrounding buildings and respects the space between buildings where it contributes to the character of the area.

Living Conditions

8. The proposal would be built against the boundary with 21 Biggin Avenue and be approximately 3 metres from the neighbouring dwelling. Due to the positioning of the two dwellings, with No.20 situated much further back into the site, the proposed first floor extension would run parallel to the rear garden of No.21. The depth of the first-floor extension proposed is substantial and would create a large, blank and obtrusive flank wall facing the garden of No.21. Due to this, and its close proximity to the neighbouring boundary, the proposal would have an overbearing nature and would result in a significant sense of enclosure for the occupiers of No.21 when using their rear garden. The outlook from the nearest ground floor rear windows on this neighbouring dwelling would also be impinged by the proposal due to its size and positioning. This would give rise to a harmful impact on the living conditions of the occupiers of No.21 when using the rooms served by these rear windows and their garden.
9. In conclusion, the proposed development would harm the living conditions of the occupiers of 21 Biggin Avenue and would therefore be contrary to Policy 7.6 of The London Plan (2016) and Policies DMD2 and DMD3 of the Sites and Policies Plan (2014). The relevant parts of these policies state that buildings should not cause unacceptable harm to the amenity of surrounding buildings, should ensure the provision of appropriate quality of living conditions to adjoining buildings and gardens and should ensure that visual disturbance

resulting from the development do not diminish the living conditions of existing and future residents.

Other Matters

10. The appellant has highlighted a similar development for a two-storey side extension to the end of a row of terraced dwellings at 12 Mortimer Street, Mitcham. However, the layout and character of Mortimer Street is significantly different to the distinct character of Biggin Avenue as a cul-de-sac with a pleasing degree of symmetry. An extension is also different in nature to the creation of a separate dwelling. Therefore, this example would not be directly comparable to the proposed development.
11. It is noted that the proposed development would provide a high standard of accommodation, would provide an additional dwelling and would optimise the potential of the appeal site. However, it is not considered that these benefits would outweigh the harm identified.

Conclusions and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR