



Appeal Decision

Site visit made on 16 September 2020

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2020

Appeal Ref: APP/T5720/D/20/3251919

3 Sandringham Avenue, Wimbledon Chase, London SW20 8JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Claude Rapose against the decision of the Council of the London Borough of Merton.
 - The application Ref 20/P0760, dated 27 February 2020, was refused by notice dated 7 April 2020.
 - The development proposed is a "6m rear extension".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. It is apparent, both from representations received and my observations on site, that there are a number of errors on the submitted plans. However, I am satisfied that I was able to see the correct site and understand the proposal, its context and its effects.

Application for costs

4. An application for costs was made by Mr Claude Rapose against the Council of the London Borough of Merton. This application is the subject of a separate Decision.

Reasons

5. The appeal site is a mid-terrace property, set towards the end of a relatively long terrace. Being close to the end of Sandringham Avenue and its junction with Kingston Road, the rear garden is somewhat overlooked by the taller buildings fronting onto Kingston Road. Properties in the terrace have been variously extended, with box-dormers and a mixture of conservatories, pitched- and flat-roofed extensions.

6. Despite the detail shown on the submitted plans, neither neighbouring property has an existing single-storey rear extension. As a result, their rear elevation and fenestration are flush with those of the appeal site.
7. It is proposed to extend the property to the rear to 6m depth, with 2.9m eaves, using matching materials, meeting the relevant requirements of Part 1, Class A. The extension proposed is inset from the boundary line between the appeal site and its neighbours, and it is proposed to retain the existing boundary treatments. The extension would therefore be close to the ground floor habitable rooms of the neighbouring property, which have windows and doors mirroring those of the appeal site.
8. Coupled with its height, the depth and location of the proposal leads me conclude that it would unacceptably increase the sense of enclosure to both neighbouring properties. Owing to the orientation of the site, the proposal would be unlikely to cause any unacceptable overshadowing to the southerly neighbour, however I consider that it would reduce the level of light and lead to overshadowing of the northerly neighbour. In combination with the increased sense of enclosure and loss of outlook, the proposal would therefore be harmful to the amenity of the adjoining properties.
9. I acknowledge that there is existing boundary fencing and walling between the appeal site its neighbours, and that this will remain. However, the proposed extension would be more substantial, and I consider that its effect would therefore be greater. I do not accept that the existing boundary fences and walls have already caused a sense of enclosure and loss of light, which would not be significantly added to by a building behind them. A building is much more substantial and has a greater mass and bulk than a boundary fence or wall, and as such, has a greater effect.
10. I also acknowledge that the first part of the appeal proposal could be built under permitted development rights without recourse to the prior approval process. However, that does not alter my conclusions on the effect of the appeal proposal set out above. I am required to assess the proposal before me on the basis of its impact on the amenity of any adjoining premises, and I have found that it would cause unacceptable harm.
11. The appellant has drawn my attention to a similar proposal at 53 Sandringham Avenue (No 53), which has the same orientation as the appeal site, and I was able to see that extension on my site visit. Whilst I acknowledge that the extension at No 53 appears to be the same as the appeal proposal, the context is not the same and the effects of the appeal proposal are therefore different. Notwithstanding this the requirements of the Class are to assess the proposed development solely on the basis of its impact on the amenity of all adjoining premises, taking into account any representations received.
12. As such I consider the proposal would, as a result of its location, height and length cause harm to the amenity of both neighbouring properties through an unacceptable sense of enclosure and harm to the amenity of the northerly neighbour due to a loss of light.

Other Matters

13. The appellant has referred to the effect of the size, details, windows and balconies of the taller buildings fronting Kingston Road on the living conditions of the occupiers of properties on Sandringham Avenue. Whilst I note these comments, and saw those buildings on my site visit, neither their presence nor their effect relates to, or alters my conclusions on the effect of the appeal proposal on the amenity of the adjoining properties.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

S Dean

INSPECTOR