



Appeal Decision

Site visit made on 29 September 2020 by C Brennan BAE (Hons) M.PLAN MIPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2020

Appeal Ref: APP/T5720/D/20/3246410

105 Pelham Road, Wimbledon, London SW19 1NX

- 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 Lewis Ridge against the decision of the Council of the London Borough of Merton.
- The application Ref 19/P4218, dated 25 November 2019, was refused by notice dated 20 January 2020.
- The proposed development is 1st floor rear extension.

Decision

1. The appeal is allowed and planning permission is granted for 1st floor rear extension at 105 Pelham Road, Wimbledon, London, SW19 1NX, in accordance with the terms of the application, Ref 19/P4218, dated 25 November 2019, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the approved plans: 1950 E, 1950 A2E 1 of 4, 1950 A2E 2 of 4, 1950 A2E 3 of 4, and 1950 A2E 4 of 4.
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window, door or other opening shall be constructed in the side elevation without planning permission first being obtained from the Local Planning Authority.
 5. The flat roof of the extension shall not be used as a roof terrace or external amenity space.

Appeal Procedure

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

3. The main issue is the effect of the proposed development on the living conditions of the occupants of No 103 Pelham Road, with particular regard to outlook.

Reasons for the Recommendation

4. The appeal site accommodates a two-storey, mid-terrace dwelling on the northern side of Pelham Road. During my site visit, I saw that the appeal property had already been subject to a first-floor extension on the western side of its rear elevation.
5. From the submitted drawings, the proposed first-floor extension would have a depth of 1.29m from the principal rear façade of the appeal property along the shared boundary with No 103, which remains unextended at ground and first floor levels. Beyond this point, the proposed extension would angle away from the shared boundary to form a splayed corner. Within views from the nearest rear-facing, first-floor window of No 103, much of the proposed extension would not be visible due to this splayed corner. Also given that this window is set in from the shared boundary by around 1m, the shallow flank wall of the extension would not appear prominently from here. At ground-floor level, the proposal would not dominate any views to the north through the rear-facing patio doors, and so it would also be acceptable in this respect. I therefore consider that the proposal would not appear unduly prominent or cause harm to the outlook of the occupants of No 103.
6. As such, for the above reasons, I conclude that the proposed development would not cause unacceptable harm to the living conditions of the occupants of No 103 Pelham Road, with particular regard to outlook. The proposal would therefore comply with Policy DM D2 of the Sites and Policies Plan and Policies Maps 2014 which states, amongst other things, that development must ensure that the living conditions of existing occupiers are not unduly diminished.

Other Matters

7. As there would be no direct overlooking into any neighbouring windows and no material increase in overlooking of neighbouring gardens, the proposal would not unacceptably affect the privacy of the neighbours. Furthermore, as there is no evidence before me that demonstrates that the proposal would cause unacceptable harm to neighbouring occupants in terms of light received, I consider that the proposal would also be acceptable in this regard.

Conditions

8. The conditions which are imposed are those which have been suggested by the Council, but with some variation in the interest of clarity and precision having regard to the advice on imposing conditions in the National Planning Policy Framework and Planning Practice Guidance.
9. In addition to the standard timescale condition, I have imposed a condition requiring that the scheme be built in accordance with the approved plans for the avoidance of doubt. In order to ensure that the proposal respects the character and appearance of the host building, I have found it necessary to impose a condition requiring that the proposal should be built with materials that match the main dwelling.

10. To ensure that the proposal would not cause unacceptable harm to the privacy of the neighbouring occupants at No 103, I have found it necessary to impose a condition restricting permitted development rights insofar as they relate to the construction of an opening within the side elevation. Similarly, in the interests of safeguarding the living conditions of neighbouring occupants, I have also imposed a condition to prevent the use of the flat roof as a roof terrace.

Conclusion and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

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

Andrew Owen

INSPECTOR