



Appeal Decision

Site visit made on 12 February 2021

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2021

Appeal Ref: APP/T5720/W/20/3261322

7 Dore Gardens, Morden SM4 6QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Damian Szlema against the Council of the London Borough of Merton.
 - The application Ref 20/P1151, is dated 21 March 2020.
 - The development proposed is a single storey ground floor side extension with hip roof.
-

Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matters

2. The London Plan 2021 (the 'LP 2021') was published by the Mayor of London on 2 March 2021. The LP 2021 comprises the spatial development strategy for London and forms part of the development plan. The LP 2021 supersedes the London Plan of 2016.
3. It is incumbent on me to take into account the most relevant and up to date information in reaching a decision and I have therefore dealt with the appeal on this basis. The main parties have had an opportunity to address this matter as part of the appeal process.
4. Having regard to the main issues set out below, I consider that Policy D3 of the LP 2021 is relevant to the determination of this appeal.
5. The appellant submitted amended plans¹ to the Council part way through the planning application process. For the avoidance of doubt, I have determined this appeal on the basis of the amended plans.

Main Issues

6. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the development upon the living conditions of the occupiers of No 9 Dore Gardens in respect of outlook.

¹ Dwg Nos: 6.REV:A, 7.REV:A, 8.REV:A, 9.REV:A, 10.REV:A and 11.REV:A

Reasons

Character and appearance

7. The appeal property is a two-storey end of terraced dwelling located near to the corner of Dore Gardens and Dorchester Road. The dwelling occupies a spacious triangular plot with areas of amenity space to the side and rear.
8. It is proposed to erect a single storey side extension at the appeal property. The extension would provide an open plan kitchen and dining room area with a bay window and patio doors opening out onto the property's side garden.
9. The proposed extension would be materially wider than the existing dwelling. Consequently, the overall footprint and scale of the proposed extension, would be significant and excessive in the context of the proportions of the existing dwelling.
10. Moreover, despite its single storey form, owing to the roof design of the proposal, whereby the ridge height of the proposal would sit well above the eaves line of the host building, the roof form of the proposed extension would appear bulky and top heavy.
11. Given the above, and, owing to its position beyond the side elevation of the host building and the corner plot location of the appeal site, the proposed single storey extension would be a dominant feature within the streetscene when viewed from Dore Gardens and Dorchester Road.
12. In terms of design and appearance, the proposed fenestration would not align with that of the host building, and, thus the proposed extension would appear architecturally unbalanced when viewed in the context of the existing building. In addition, the large side facing bay window would be an incongruous design feature which would be out of keeping with the design and appearance of the host building and the local vernacular.
13. Overall, despite the use of matching materials, the proposed extension would be an unsympathetic addition to the existing dwelling, which would unacceptably diminish the architectural integrity of the host building and cause significant harm to the character and appearance of the area.
14. The appellant explains that the windows of the proposed extension have been intentionally set at a higher level to prevent overlooking from passers-by using the pavement. Whilst I recognise that the finished floor level of the appeal property is lower than that of the adjacent pavement, this change in levels is not significant, and, taking into account the separation distance between the front elevation of the proposed extension and the pavement, I am satisfied that the privacy of the occupiers of the host building would be maintained if the proposed windows were to be aligned with the host building.
15. My attention has been drawn to a large side extension to No 1 Dore Gardens, which is situated at the other end of the terrace to which the appeal property forms a part of. On my site visit, I observed that this significant extension is an exception rather than the norm within the local area. Moreover, the development appeared historic and the evidence from the Council suggests that it dates from the 1980's. Therefore, this development predates the development plan and the National Planning Policy Framework (the

'Framework'). For these reasons, the extension at No 1 does not provide a compelling precedent for allowing the appeal.

16. For the reasons set out above, I conclude that the proposed development would cause significant harm to the character and appearance of the area. As such, the proposal would not accord with Policy CS 14 of the London Borough of Merton LDF Core Planning Strategy (2011) and Policies DM D2 and DM D3 of the London Borough of Merton Sites and Policies Plan (2014) (the 'SPP') which, amongst other things, require new development, including extensions and alterations to existing buildings, to be well designed, to respond positively and appropriately to the local character and to respect the form, scale, bulk, and proportions of the original building.
17. In addition, the proposal would not accord with Criterion D.1 of Policy D3 of the LP 2021, which states that development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.
18. Accordingly, the proposal would also be inconsistent with paragraph 127(c) of the Framework, which requires development to be sympathetic to the local character. Paragraph 130 of the Framework makes clear that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Living conditions of neighbouring occupiers

19. No 9 Dore Gardens occupies a triangular shaped plot to the rear of the appeal property. The plot provides private side and rear gardens for the neighbouring occupiers. No 9 is laid out perpendicular to the appeal property and the proposed extension would face the flank elevation and side garden of No 9.
20. Whilst the side garden of No 9 is relatively spacious, it tapers away towards the rear boundary. At its nearest point, the proposed extension would be sited about 0.6 metres away from the shared boundary with No 9 Dore Gardens. Given the eaves height of the proposed extension and its bulky roof form, and, owing to the close proximity of the proposed extension relative to the shared boundary with No 9, I consider that the proposal would create an oppressive sense of enclosure for the neighbouring occupiers when viewed from their side garden.
21. For the reasons outlined above, I conclude that the proposed development would cause significant harm to the living conditions of the occupiers of No 9 Dore Gardens in respect of outlook. As such, the proposal would not accord with Criterion a) v. of Policy DM D2 of the SPP which states that development proposals should ensure the provision of quality living conditions, amenity space and privacy, to both proposed and adjoining buildings and gardens.
22. In addition, the proposal would not accord with Criterion D.7 of Policy D3 of the LP 2021, which states development proposals should deliver appropriate outlook, privacy and amenity.
23. I am cognisant that no objections were made by the occupiers of No 9. However, this does not outweigh or alter my conclusions on this main issue.

Other Matters

24. The proposal would provide additional living accommodation for the appellant and their family. However, this benefit would not overcome or outweigh the very weighty conflict that I have identified with the development plan policies as outlined in the main issues above.

Conclusion

25. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR