



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/20/3262402

5 Croxden Walk, Morden SM4 6JY

- 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 Ms L Taylor against the Council of the London Borough of Merton.
 - The application Ref 20/P/1530, is dated 6 May 2020.
 - The development proposed is described as "erection of a single storey end terrace dwelling, hip to gable & rear roof extension to existing house".
-

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. 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.
3. 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.
4. 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 Issue

5. The Council failed to determine the appeal within the prescribed period and have not submitted an appeal statement. However, having considered all the written evidence, the representations of interested parties and having undertaken a site visit, I consider the main issues to be: (i) the effect of the proposed development on the character and appearance of the area; and (ii) the effect of the development upon the living conditions of the occupiers of Nos 20 and 20A Cerne Road in respect of outlook, daylight, sunlight and privacy.

¹ Dwg nos: 20/14/02 A and 20/14/03 A

Reasons

Character and appearance

6. The appeal site is occupied by a two-storey end of terrace dwelling, which is located within a generous corner plot near to the junction of Croxden Road and Cerne Road. It is proposed to erect a one-bedroom, single-storey end terrace dwelling to the side of the existing dwelling. In addition, a loft conversion is proposed at the host building, which would comprise of a hip to gable roof alteration and the erection of a dormer window to the rear roof slope.
7. The surrounding area has a suburban residential character and the properties are predominately two-storey terraced dwellings of a consistent design and appearance featuring hipped roof forms. The rows of terraces are generally laid out in a loose grid pattern with the property frontages facing the road. At corner junctions, the terraces are typically positioned perpendicular to each other and the respective end of terrace properties feature generous corner plots, which combine to create large undeveloped parcels of garden land at the corner junctions. This consistent layout and the presence of spacious corner plots contributes positively to the local distinctiveness of the area. The existing dwelling at the appeal site follows the prevailing pattern of development.
8. Despite the use of matching materials, the introduction of a single storey end terrace dwelling to the side of the host building would be a significant departure from the prevailing pattern of development within the local area, whereby rows of terraces are typically separated by spacious corner plots. Consequently, and notwithstanding the single storey height of the proposal, the proposed development would have a cramped appearance and would be an unduly prominent form of development when viewed from the street, which would cause significant harm to the character and appearance of the area.
9. In addition to the above, the scale and mass of the proposed dormer window with its bulky roof form, which would extend to marginally below the ridgeline of the main roof, would be significant and excessive in the context of the proportions of the host building and it would dominate the rear roof slope of the appeal property creating an unbalanced and top heavy roof form. Moreover, the proposed hip to gable roof alteration would be at odds with the consistent design and appearance of the other end terrace properties within the local area, which predominately feature hipped roof forms.
10. I am cognisant that the adjoining terraced property has a rear dormer window. However, on my site visit, I observed that the neighbouring dormer window was positioned well below the ridgeline of the original dwelling, which created a subservient relationship with the host building. This would not be the case with the proposed development.
11. I also recognise that No 1 Croxden Walk, which is situated at the other end of the terrace where the appeal site is located, features a single storey side extension of similar proportions to the appeal proposal. However, this is a prominent form of development when viewed from the street, which is an exception rather than the norm within the local area where corner plots typically remain free of such development. Consequently, this development does not provide a compelling precedent for allowing the appeal.

12. 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 Policies CS 8, CS 9 and CS 14 of the London Borough of Merton LDF Core Planning Strategy (2011) and Policy DM D2 of the London Borough of Merton Sites and Policies Plan (2014) (the 'SPP') which requires new housing development to be well designed and to respond positively and appropriately to the local character and features of the surrounding area, including the street pattern.
13. In addition to the above, the proposed loft conversion to the host building would not accord with Criterion a. viii. of Policy DM D3 of the SPP, which states a. alterations or extensions to buildings will be expected to meet the following criteria: viii. ensure proposals for dormer windows are of a size and design that respect the character and proportions of the original building and surrounding context, do not dominate the existing roof profile and are sited away from prominent roof pitches, unless they are a specific feature of the area.
14. Accordingly, 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.

Living conditions of neighbouring occupiers

15. The proposed dwelling would be constructed along the shared boundary with No 20 Cerne Road. Representations submitted by the occupiers of the neighbouring property explain that No 20 has been converted into two self-contained maisonettes, which are known as No 20 and No 20A Cerne Road. On the ground floor of the property there are side facing windows which face onto the appeal site. The occupier of the ground floor maisonette, which forms No 20, explains that these windows serve a kitchen and a bathroom, whilst the side garden located between No 20 and the appeal site is used by the occupiers of the upper floor maisonette, which forms No 20A. These matters have not been disputed by the appellant.
16. In terms of daylight and sunlight, the side garden of No 20A and the side facing windows of No 20 face south and therefore the side garden and windows to the habitable rooms of No 20, if unrestricted, would receive daylight and sunlight for most of the day. However, the extent to which daylight and sunlight enters the ground floor side windows of No 20 and the side garden of No 20A is very restricted due to the close proximity of an existing garage to the side of No 20 and the rear facing elevation of an existing garage located to the side of the appeal property.
17. The existing garage to the side of the appeal property would be demolished to facilitate the construction of the proposed dwelling. However, the proposed dwelling would be sited closer to the neighbouring property. In addition, it would be significantly wider and deeper than the existing garage. Despite the single-storey height of the proposal, due to its close proximity to the neighbouring property, it would act to further overshadow the ground floor side facing kitchen window of No 20 and the side garden of No 20A. Given that access to daylight and sunlight is already severely restricted, the

overshadowing caused by the proposal would result in a material loss of daylight and sunlight for the occupiers of No 20 and No 20A.

18. Moreover, owing to the close proximity of the proposed dwelling relative to the kitchen window of No 20 and the side garden of No 20A, I consider that the proposal would lead to an oppressive sense of enclosure for the neighbouring occupiers when viewed from these areas.
19. Given my findings above, I share the view of the occupier of No 20 that the proposal would likely result in a loss of daylight and sunlight to the ground floor side facing bathroom window of the neighbouring property. However, owing to the use of this room as bathroom, this alone would not be a reason to refuse planning permission.
20. The occupiers of No 20 and No 20A have expressed concern that the occupiers of the proposed dwelling would be able to overlook the ground floor side facing windows of No 20 and the side/rear garden areas of No 20 and No 20A from the proposed kitchen window and door. Despite the close proximity, given that the proposed kitchen window and door would be located at ground floor level and would face over the rear terrace area of the proposed dwelling, I consider that any harmful overlooking could be screened by appropriately positioned boundary fencing. If I were minded to allow the appeal, such fencing could be secured by a planning condition. Consequently, the proposal would not result in a significant loss of privacy for the neighbouring occupiers of Nos 20 and 20A.
21. Correspondence has been submitted by the occupiers of No 12 Croxden Walk, who have expressed concern about a loss of privacy. No 12 is situated on the other side of the road. Given the separation distance between the appeal site and No 12, I do not agree that the development would result in such impacts.
22. For these reasons, I conclude that the proposed development would cause significant harm to the living conditions of the occupiers of Nos 20 and 20A Cerne Road in respect of outlook and due to a material loss of daylight and sunlight. 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 provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy, to both proposed and adjoining buildings and gardens.
23. Accordingly, 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.

Other Considerations

24. Given my findings on the main issues, it has not been necessary for me to consider other planning issues including whether the proposed development would provide acceptable living conditions for future occupiers; and the effect of the development upon highway safety.
25. Even if I were to find a lack of harm in respect of these issues, such findings would be of neutral consequence and would not carry weight in favour of the proposal, and, given that I have found that the proposed development would cause significant harm to the character and appearance of the area and the living conditions of neighbouring occupiers, a lack of harm in respect of these other issues would not change my overall conclusion.

Conclusion

26. The proposed development would increase the supply of housing in the local area. In addition, there would be some limited benefits to the construction industry during the building stage and to the vitality and viability of local services from the spend of future occupiers arising from the proposed development. However, given the limited scale of development proposed, such benefits would be modest and would not overcome or outweigh the very weighty conflict with the identified development plan policies.
27. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR