



Appeal Decision

Site visit made on 8 June 2021

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2021

Appeal Ref: APP/T5720/W/21/3267252

16 and 18 Birkbeck Road, South Wimbledon, London SW19 8NZ

- 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 Ivan and Marianne Frampton and Christian and Kirsty Broere against the decision of the Council of the London Borough of Merton.
- The application Ref 20/P2790, dated 15 September 2020, was refused by notice dated 10 November 2020.

The development proposed is described as, 'Proposed part single storey and part two storey rear extension that will provide additional living space and a new bedroom to each property to create a home suitable for a young family. Increase of no 16 Birkbeck Road rear loft dormer to match that of no 18. Re-instate brick cladding at no 18 Birkbeck Road front elevation as per adjoining properties. Relocation of roof lights at no 18 Birkbeck Road existing loft extension to increase natural light'.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the host properties and the wider area; and
 - the effect on the living conditions of neighbouring occupiers with particular regard to outlook and sunlight.

Reasons

Character and appearance

3. 16 and 18 Birkbeck Road form the northern part of a short terrace with the other three properties numbered 20, 22 and 24 Birkbeck Road. All five properties have single storey rear extensions while Nos 16, 18, 20 and 22 have close to full width flat roof rear dormers. The dormer at No 16 has been achieved in combination with a hip to gable extension and is set further back from the eaves than the other three dormers.
4. Notwithstanding the significant changes to the rear of the properties, the first-floor of the rear elevations and the eaves level above have largely been unaltered. This ensures the original simple two-storey form of the properties remains visible and at the first-floor level a strong degree of uniformity continues across the rear of the terrace. As this pattern to extending the rear of the properties is extensively repeated within the terraces to the north and south which front Faraday Road and Effra Road respectively, it is a distinct and

- important part of the character and appearance of the host properties, the terrace and the wider locality.
5. The proposed scheme involves adding first-floor rear extensions at Nos 16 and 18. They would be around 3.5m deep along the common boundary while the outer parts would be shallower at around 1.5m deep. Their flat roof forms would project above the existing eaves level.
 6. Consequently, the original simple two-storey form of the properties as denoted by the visibility of the largely unaltered first-floor rear elevations would be lost. The additional bulk and higher eaves level would also greatly disrupt the uniformity across the first-floor level of the terrace. The extensions would therefore have a significant detrimental impact on the character and appearance of the host properties and the terrace. Furthermore, as the form and massing would be inconsistent with the distinctive pattern of development to the rear of the surrounding terraces, it would have a significant detrimental impact on the character and appearance of the wider locality.
 7. Whilst the arising harm would not be visible from the public realm, the consideration of the effect on the character and appearance of an area is not limited to public views. The detrimental impact of the first-floor additions would be prominent in private views from the rear of the numerous surrounding residential properties.
 8. The proposed scheme also involves replacing the existing ground floor single storey rear extensions at Nos 16 and 18. These are currently around 3m deep with lean-to roofs and the proposed extensions would be a little over 7m deep and 3m high with flat roofs. Although 7m would be particularly deep in relation to the modest sized terraced houses, planning permission has already been given at No 16 for an extension of a similar depth, (Council Ref: 19/P2050). In this context, the ground floor elements of the scheme would not have a detrimental impact on the character and appearance of the properties or the area. Likewise, as the proposed extension of No 16's rear dormer would more closely align with the depth of the other three dormers and thereby result in a greater degree of uniformity within the terrace, it would not have a detrimental impact.
 9. In light of the above, it is concluded the first-floor elements of the proposed development would have an unacceptably harmful effect on the character and appearance of the host properties and the wider area. As such, it would conflict with Policy CS14 of the Council's LDF Core Planning Strategy 2011 and Policies DM D2 and DM D3 of its Sites and Policies Plan and Policies Maps 2014 (SPP). Amongst other things, these policies seek to ensure development respects the form and design of the original building and relates positively and appropriately to the rhythm and massing of surrounding buildings.

Living conditions

10. The Council's officer report considers the proposed first-floor extensions would unduly diminish the living conditions of the occupiers of 163 Faraday Road in respect of outlook and sunlight. However, it is the rear of 161 Faraday Road that would directly face the flank of No 16's proposed first-floor extension. The occupiers of No 161 currently enjoy a largely open outlook above No 16's single storey rear extension and this also enables a significant amount of sunlight to reach their rear garden from a southerly direction.

11. The properties on Faraday Road have rear gardens of a fairly modest depth. Even when taking into consideration the width of the passageway running between the ends of the gardens and the flank of No 16, along with the set-back of the majority of the proposed first-floor extension, the additional high level bulk would result in the occupiers of No 161 experiencing an unduly harmful sense of enclosure and reduction in the sunlight reaching their rear garden.
12. While the outlook from No 163 is already compromised by what is effectively the existing three storey flank of No 16 when taking into account the hip to gable extension and the rear dormer, the additional high level bulk derived from a combination of the proposed first-floor extension and the dormer extension would result in the occupiers of No 163 also experiencing an unduly harmful sense of enclosure.
13. The appellants' submitted Daylight and Sunlight Report is afforded little weight because it incorrectly identifies the position of the host terrace relative to the properties on Faraday Road and does not consider the effect of overshadowing on the neighbouring rear gardens. Furthermore, the submitted aerial photograph does not show the full effect of likely overshadowing as it is taken at midday towards the end of June when the sun is particularly high in the sky.
14. While the depth of No 18's proposed first-floor extension and its close proximity to the neighbouring first-floor window at No 20 would not be harmful in terms of daylight at No 20, it would nevertheless diminish the outlook from the neighbouring window and result in an undue sense of enclosure. Similar detrimental impacts would arise in relation to No 18's proposed ground floor extension which would project in excess of 4m beyond No 20's ground floor windows and at a height slightly over 3m.
15. Accordingly, it is concluded the proposed development would have an unacceptably harmful effect on the living conditions of the occupiers of 161 Faraday Road with regard to outlook and sunlight, as well as 163 Faraday Road and 20 Birkbeck Road with regard to outlook. As such, it would conflict with Policy DM D2 of the SPP which seeks to ensure the living conditions of existing occupiers are not unduly diminished in respect of visual intrusion and there is appropriate levels of sunlight at adjoining gardens.

Other Matters

16. The appellants have drawn attention to many properties which have existing or approved first-floor rear extensions including 1, 3, 5, 7, 9, 11, 12, 13, 14 and 15 Birkbeck Road. As the full details of those developments are not before me, I am not aware of their particular circumstances. Nevertheless, it is apparent that they are sited within different urban blocks from the appeal site where two storey rear projections appear to form part of the original character of some of the properties. Consequently, they do not justify the harm arising from the proposed development which has been considered on its own merits and in light of its particular location and context.
17. The appellants' personal circumstances and the associated private benefits that would be derived from the proposed additional accommodation is acknowledged. However, this does not outweigh the harm identified above.

Conclusion

18. The proposed development would conflict with the development plan as a whole and there are no material considerations, including the National Planning Policy Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan.
19. For the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

C J Ford

INSPECTOR