



Appeal Decision

Site visit made on 9 July 2021

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 16th July 2021

Appeal Ref: APP/T5720/D/21/3273163

4 Ashbourne Terrace, Wimbledon, London SW19 1QX

- 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 Sailesh Duwadi against the decision of the Council of the London Borough of Merton.
 - The application Ref 21/P0538, dated 2 February 2021, was refused by notice dated 29 March 2021.
 - The development proposed is described as part single part double storey side and rear extension incorporated with existing single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council advise that planning permission has been granted for a similar set of ground floor and outrigger extensions to those proposed but without the first-floor rear extension element which remains a matter of contention between the main parties. In the circumstances, my decision focuses on that particular part of the appeal proposal.

Main Issue

3. The main issue raised by this appeal is the effect the first-floor rear extension element of the development would have on the living conditions of the occupiers of 3 Ashbourne Terrace, with particular reference to outlook.

Reasons

4. The appeal property is a modest terraced house with a two-storey outrigger at the rear. No 3 has a similar arrangement and the space between their two outriggers is fairly narrow. The only first-floor window in the rear elevation of No 3 (there is a smaller one in the flank of the outrigger) is situated close to the boundary with No 4. The two properties consequently share a sensitive relationship with one another.
5. The outlook from the adjacent first floor window in No 3 will presently be limited to a degree by the outrigger that extends past it, although it will be slightly more generous to the other side. Part of the proposal would extend the rear wall of the property outwards at first floor level with a flat roof element just under the eaves. This would extend up to the party boundary and, according to the appellant's figures, project 0.8m from the rear elevation.

6. The proposed extension would be close to the first-floor window in No 3. Along with No 3's existing outrigger this would create a short but noticeable area immediately outside the window enclosed by walls on either side. This would mean that it would appear as an enclosing and visually intrusive element when viewed from No 3 and create an overbearing and oppressive feeling within the room that it serves. Although modest in projection compared to the outrigger, its proximity to No 3 means that this harmful effect would not be diminished by its depth.
7. The development would consequently harm the living conditions of the occupiers of No 3. This would be contrary to Policies DM D2 and DM D3 of the Sites and Policies Plan¹ which, amongst other criteria, expect development to ensure the provision of quality of living conditions to adjoining buildings and avoid visual disturbance resulting from development diminishing the living conditions of existing residents.
8. The appellant points out that the depth of the extension would mean that it would avoid interfering with a 45° diagonal, horizontal line extrapolated from the centre of No 3's window. However, neither main party have directed me to any policy or guidance where this is set out, nor in what circumstances such an approach would be applicable. In any event, given the constrained space between the two properties and the close proximity of No 3's first-floor window to the proposed extension, these circumstances mean that this particular proposal would be harmful even if it were to avoid infringing a notional '45° Rule'.
9. The appellant's agent advises that they have implemented similar extensions in other council areas, however I have determined the appeal on its merits and in the particular circumstances at the appeal site and its neighbour. I have no details of these before me and I cannot be certain that all the circumstances were identical to those of this case. Nor can I be sure that local policy and guidance in force in those areas would be the same. Such other examples cannot weigh in favour of the appeal. Notwithstanding that they refused permission, even if the Council communicated some uncertainty or ambiguity about the acceptability of the scheme to the appellant, given my findings above, this does not lead me to a different conclusion.
10. For the above reasons the proposal would harm neighbours' living conditions in conflict with the development plan. There are no material considerations that indicate the decision should be made other than in accordance with the development plan and therefore the appeal is dismissed.

Geoff Underwood

INSPECTOR

¹ Part of Merton's Local Plan – Sites and Policies Plan and Policies Map, 2014.