



Appeal Decision

Site Visit made on 28 June 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2021

Appeal Ref: APP/T5720/D/20/3258080

28 Hammond Avenue, Mitcham, CR4 1SR

- 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 Umair Khan against the decision of London Borough of Merton.
 - The application Ref 20/P0939, dated 4 March 2020, was refused by notice dated 1 June 2020.
 - The development proposed is single storey rear extension, extension of roof above garage, rear dormer extension, alterations to openings and installation of roof lights.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the banner heading has been taken from the Council's refusal notice and the appeal form. This provides greater clarity on the development proposed, in contrast to that in the application form. I do not consider that any party has been prejudiced by my approach.

Main Issues

3. The main issues are the effect of the proposal on: (i) the character and appearance of the host property and the surrounding area; and (ii) the living conditions of No 30 Hammond Avenue, with particular reference to outlook.

Reasons

Character and Appearance

4. The appeal dwelling together with the adjoining property at No 26 Hammond Avenue (No 26) comprise a pair of semi-detached bungalows located close to the turning head of a residential cul-de-sac. The pair has a tiled hipped roof and projecting bay windows on their respective front elevations. Those features contribute towards the building's balanced and symmetrical appearance. The majority of properties along Hammond Avenue share these characteristics resulting in the street having a consistent and uniform appearance that makes a positive contribution to its character.
5. At the rear of the appeal dwelling, it was evident that surrounding properties along Hammond Avenue and Tamworth Lane to the west and south, had a variety of rear additions, although these were largely consistent in terms of their scale.
6. The proposed roof addition would extend excessively out towards the side boundary and over the existing garage. Although the height of the roof would remain unchanged, the proposal would significantly increase the mass and scale of

- the dwelling at its side. This would harmfully unbalance the pair of semi-detached dwellings and appear visually discordant amongst the other pairs of dwellings in the street which have largely retained their original roof shape and profile.
7. Views of the proposed roof extension would be diminished from longer distance vantage points in the street. Yet the scale of the works would be perceptible from the turning head and from neighbouring property forecourts and front facing windows nearby. From those locations, the proposal's bulk and excessive side projection would upset the balanced arrangement and appearance of dwellings around the street's turning head, resulting in a harmful visual impact at this part of Hammond Avenue.
 8. The proposed rear dormer would extend across the majority of the roof plane of the existing dwelling and continue through the enlarged part of the roof. It would be set in from the sides of the roof, down from the ridge and back from the eaves, although this would be to a very limited extent. The dormer's position at roof level would make it visible from the rear gardens and upper floors of the neighbouring dwellings at Hammond Avenue and Tamworth Lane. From those locations, it would appear excessively long and bulky, resulting in it having a dominant and visually jarring presence at the rear of the dwelling. Its excessive scale and mass would consequently harm the form and appearance of the host property as well as appearing incongruous in its surroundings.
 9. The appellant has referred to similar rear dormers at Nos 89 and 91 Tamworth Lane. During my site visit I observed these from the rear of the appeal property and although large and prominent they are more reduced in scale in contrast to the much bulkier and elongated appeal dormer. Therefore, I do not consider that a direct comparison can be made with the appeal proposal, to justify its approval.
 10. The Council considers that the proposed roof extension would close the space near the side boundary with No 30 Hammond Avenue (No 30) resulting in an unacceptable 'terracing' effect with that dwelling and the diminution of the gap between the two properties. However, the hipped roofs of the proposal and the roof at No 30 would be angled away from one another, to create a clear gap that would not give rise to any undue enclosing of the space between the two properties.
 11. The proposed single storey rear extension would sit well below the appeal dwelling's main roof and be roughly half its overall width. Accordingly, its position and scale would not unacceptably dominate the rear of the property. Furthermore, it would not appear prominent from neighbouring properties given its modest height and the presence of existing boundary features such as trees and fences that would obscure much of it from view.
 12. Even though I do not agree with the Council on the issues of 'terracing' and the proposed rear extension, this does not eliminate my concerns raised by other elements of the proposal.
 13. The proposed development would be finished in matching materials, whilst the existing bay window would remain. These would be acceptable yet would not overcome my overall concerns in relation to the scheme.
 14. For the above reasons, I conclude that the proposed development would harm the character and appearance of the host dwelling and the surrounding area. It would therefore fail to accord with Policies DM D2 and DM D3 of the Merton Local Plan – Sites and Policies Plan and Policies Maps (the Local Plan), in particular, where proposals are required to relate positively and appropriately to the scale, proportions and massing of the original building and the surroundings.

Living Conditions

15. The proposed single storey rear extension would project from the rear of the appeal dwelling and be built flush to the boundary with No 30. It would rise above the short boundary fence that separates the properties and project beyond the nearest rear facing window at No 30.
16. The proposed extension would be built very close to the nearest habitable window at No 30 and result in some enclosure around it. However, that window is very wide and occupiers would continue to benefit from the relatively open views out onto the rear patio area and the undeveloped spaces beyond No 30's rear boundary. Therefore, whilst the proposed development would result in some additional sense of enclosure to one side, the outlook from the nearest window would not be significantly harmed.
17. The proposed extension's rearward projection would also result in some additional enclosure to No 30's garden alongside the common boundary. Yet this area represents a relatively small proportion of its garden, which opens into a larger space further to the south and east. In addition, the proposed extension's single storey height and shallow pitched roof would not appear as a dominant or imposing structure from the neighbouring garden.
18. I noted during my site visit that the likely location for activities such as outdoor seating at No 30, were situated away from the boundary with the appeal dwelling. I therefore consider that any additional sense of enclosure arising as a result of the proposed single storey extension would be very localised, and would not have any significant implications for the living conditions of neighbouring residents with regard to their use and enjoyment of their wider rear garden area.
19. Therefore, the proposal does not harm the living conditions of No 30 Hammond Avenue, with particular reference to outlook. It would therefore comply with Policies DM D2 and DM D3 of the Local Plan which amongst other things, require proposals to protect the living conditions of neighbours from visual intrusion.
20. In concluding on this matter, I have not referred to Policy CS14 of the London Borough of Merton Core Strategy, July 2011 and Policy 7.15 of the London Plan 2016 as these do not specifically relate to the protection of outlook.

Other Matters

21. The appellant indicates that the proposed additions are required to create more space at the property to house family members. Whilst I sympathise with the appellant's circumstances and the need to accommodate relatives and dependents, in my view that need does not outweigh the adverse impacts of the scheme and the resultant conflict with the development plan's aims to protect the character and appearance of the area.

Conclusion

22. For the reasons given above I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR