
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: 09 August 2021

Appeal Ref: APP/T5720/D/21/3273184

133 Pelham Road, Wimbledon, London SW19 1NZ

- 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 Andrew Kay against the decision of the Council of the London Borough of Merton.
 - The application Ref 20/P3848, dated 30 November 2020, was refused by notice dated 25 January 2021.
 - The development proposed is a single storey side extension and L-shaped rear loft conversion.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension and L-shaped rear loft conversion at 133 Pelham Road, Wimbledon, London SW19 1NZ in accordance with the terms of the application, Ref 20/P3848, dated 30 November 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2020_E1_SLP; 2010_P4_10; 2010_P4_11; 2010_P4_12; 2010_P4_13; 2010_P4_20; 2010_P4_30; 2010_P4_31; 2010_P4_32; and, 2010_P4_33.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no windows or other opening shall be constructed in the side elevations of the development hereby permitted.

Preliminary Matter

2. The single storey side extension and rear roof dormer extension elements of the scheme already have the benefit of planning permission and would appear to have been built. The proposed second floor extension on top of the rear outrigger remains in contention between the main parties and is therefore the focus of my decision.

Main Issue

3. Consequently, the main issue raised by this appeal is the effect that the second floor outrigger extension would have on the living conditions of the occupiers of 135 Pelham Road, with particular reference to light and outlook.

Reasons

4. The appeal property is a terraced house with a two storey outrigger and a box dormer at second floor level at the rear. Its neighbour at No 135 is unaltered at roof level but also has a two storey outrigger, albeit with a chamfered corner on the side adjacent to No 133.
5. The outlook from the first floor rear window serving a habitable room in No 135 looks out into the space between the respective outriggers. The proposed second floor extension would be noticeable from some limited locations within the room close up to that window. However, given its degree of elevation, set back from the window and set back from the rear edge of the outrigger on which it would be situated, the proposed extension would not appear as a dominant or overbearing feature, and would not be apparent from other parts of that room.
6. The nearest ground floor window in No 135 is a pair of patio doors positioned at an angle towards, and slightly set back from, No 133's ground floor extension. Their situation is such that it would be very unlikely that the roof extension would be seen through them. Given the orientation of the two properties and the existing outrigger, any effect on direct sunlight reaching the upper rear room in No 135 would be very limited and only at certain times of the day and year, if at all. There might be a slightly more noticeable effect on daylight, however the distance of the proposed extension from No 135's window and existing structures would mean that any effects would be very limited.
7. The extension would be more noticeable from No 135's small rear garden and quite apparent by sitting perpendicular to the existing roof level extension. However, users of the garden will already experience an enclosed feeling as a result of existing extensions on No 133 and particularly the adjacent second floor outrigger extension on the end terrace property on Gladstone Road. In this context, the proposal would not create a perception of greater enclosure to an extent that would be more harmful than the existing situation.
8. Overall, although it would make its presence known in very limited situations from within No 135, the second floor extension would not have an effect that would be harmful to the living conditions of neighbouring occupiers.
9. The development would accord with Sites and Policies Plan¹ Policy DM D2. Amongst other criteria, this expects development to provide appropriate levels of sunlight and daylight, and quality of living conditions to adjoining buildings and gardens, and also to protect existing development from visual intrusion so that the living conditions of existing occupiers are not unduly diminished.
10. An appeal² was recently dismissed for an L-shaped dormer at nearby No 125. However, I note that in that case that the extension would have been

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

² APP/T5720/D/20/3258103.

immediately adjacent to the common boundary between the host and neighbouring property rather than set back in this case. The circumstances and consequent effects would therefore be materially different from the proposal before me. In any event I have determined the appeal on its own merits and this decision does not lead me to a different conclusion.

Conditions

11. It is necessary to specify the approved drawings as this provides certainty for all parties. Ensuring that materials match will protect the character and appearance of the area. It is also necessary to prevent any new openings along the flank walls of the extension to protect neighbours' privacy. Although not suggested by the Council, the standard nature of such a condition will avoid any parties' interests being prejudiced by my attaching it.
12. The Wimbledon Swift Group have identified the desirability of incorporating 'swift bricks' or other relatively small features to enhance birds' habitat. However, welcome though such elements might be, and although supported in principle by national policy and guidance, I agree with the Group that such features are best dealt with in this case for a domestic extension by way of providing information about the benefits to biodiversity, rather than a requirement imposed by a condition. I do not have a clear indication that such a specific feature should be required by the development plan. In the circumstances, and on the evidence before me, I cannot be certain that a condition would meet the tests of necessity or reasonableness.

Conclusion

13. As there are no material considerations that indicate the application should be determined other than in accordance with the development plan, for the reasons given above, the appeal is allowed.

Geoff Underwood

INSPECTOR