
Appeal Decision

Site visit made on 14 July 2021

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2021.

Appeal Ref: APP/T5720/D/21/3268970

12 Springfield Avenue, Wimbledon Chase, London SW20 9JX

- 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 Ajay Sagar against the decision of the Council of the London Borough of Merton.
 - The application Ref 20/P4051, dated 10 December 2020, was refused by notice dated 5 February 2021.
 - The development proposed is described as 'removed existing conservatory and replaced with extending single storey rear extension.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was made retrospectively. On my site visit, I saw that the extension has been built and appears to correspond with the application drawings. I have accordingly assessed the appeal on this basis.
3. The London Plan 2016 policies referenced in the Council's decision notice have been superseded by policies in the London Plan 2021, adopted in March 2021. The proposal has therefore been considered against the relevant policies in the London Plan 2021 (LP).

Main Issue

4. The main issue is the effect of the rear extension on the living conditions of the neighbours at No.10 Springfield Avenue with regard outlook and daylight.

Reasons

5. The appeal property is a two-storey end of terrace house located on the south-western side of Springfield Avenue. From the evidence before me, the extension measures around 5m in depth across the full width of the rear elevation of the appeal property. The roof of the extension has a very shallow pitch (almost flat) and is around 2.7m to its eaves rising to a maximum of around 3m (excluding the Velux rooflight) adjoining the original elevation of the house.
6. The extension has been built very close to the common boundary with its neighbour at No.10 Springfield Avenue (No.10), which is unaltered to the rear. There is currently a set of large patio doors positioned nearest to the shared

boundary which are clear glazed and serve a habitable room. At around 2.7m to its eaves, I saw from my site visit that the extension to the appeal property was materially higher than the closed boarded fencing on the common boundary. The depth of the extension alongside the boundary with No.10 is around 5m which, in combination with its height and proximity to the boundary, means that it would be very visible to the occupiers of No.10 particularly from their patio doors. It would dominate rearward views when looking out from the patio doors and from the garden area closest to the house, appearing an overbearing feature.

7. No.8 Springfield Avenue, located on the other side of No.10, has also been extended to the rear and has a parapet wall detail that means it is reasonably high on the common boundary with its neighbour. This, in combination with the depth and height of the extension at No.12, so close to the boundary, results in a significant sense of enclosure to the rear of No.10. Despite No.10 having a reasonably wide rear elevation and garden, the extension results in a tunnelling effect to the detriment of the outlook of occupiers.
8. Because of the orientation of the appeal property, the extension would reduce the level of light and lead to some shadowing of its northerly neighbour at No.10 particularly in terms of the part of the garden closest to the house and the patio doors. Although designed with a low pitch (almost flat) roof and reasonably low eaves, the extension would nonetheless be higher than the existing fence and significantly different to the existing situation such that it would cause harm to living conditions.
9. I note from the appellant's evidence and the submitted drawings that the extension has replaced a conservatory which also extended the full width of the rear elevation of the appeal property. From the planning history provided by both parties, the conservatory did not have planning permission and I have no substantive evidence before me as to when it was built or whether it was built pursuant to permitted development rights afforded by Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Because of this and the fact the conservatory no longer exists, I have assessed the extension that I saw on site on its own merits.
10. I conclude on the main issue that the extension would cause harm to the living conditions of the occupiers of the neighbours at No.10 through a loss of both outlook and daylight. Consequently, the extension conflicts with LP Policy D3 and Policies DM D2 and DM D3 of Merton's Local Plan – Sites and Policies Plan and Policies Map (2014) which, amongst other things, require proposals to ensure appropriate levels of daylight to adjoining buildings and gardens and that living conditions are not diminished through visual intrusion. In concluding on this matter, I have not referred to Policy CS14 of the Merton LDF Core Planning Strategy (2011) as this does not specifically relate to the protection of outlook or daylight.

Conclusion

11. For the reasons given above, the appeal is dismissed.

R Jones

INSPECTOR