



Appeal Decision

Site Visit made on 10 August 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2021

Appeal Ref: APP/T5720/W/21/3273171

Flat 9, 119 Arthur Road, Wimbledon, London SW19 4DR

- 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 Roger Kilby against the decision of the London Borough of Merton.
 - The application Ref 21/P0188, dated 4 January 2021, was refused by notice dated 1 March 2021.
 - The development proposed is construction of mansard roof extension with four dormer windows.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

3. The main issue is the effect of the proposed development upon the living conditions of neighbouring occupiers with regard to daylight and outlook.

Reasons

4. The appeal property is an imposing detached building that has been subdivided into flats. Extending off the rear elevation is a single storey projection with a hipped roof design accommodating the host property. Habitable room windows, serving other flats, are present in the rear elevation including one which sits very close to the eaves of the rear projection.
5. I acknowledge that the proposed development would result in a modest increase in volume and the ridge height would be lower than the existing roof. However, the form of the mansard roof, together with its length and position very close to the window would result in an increased sense of enclosure for the occupants of the neighbouring flat. It would result in a form of development which would appear oppressive and overbearing severely diminishing their living conditions.

6. Whilst the existing occupiers already look out towards the roof the proposed development on account of its bulk and closeness would result in a more visually prominent and intrusive form of development.
7. It was clear from my visit to the site, which was early morning on a bright and sunny day, that the rear of the property already experiences some overshadowing during morning hours and early afternoon due to the scale and orientation of the building. The presence of the proposed development projecting alongside the window, would not only have a significant enclosing effect on the outlook from this window, but would also overshadow it during the late afternoon resulting in an unacceptable loss of daylight for the occupiers, particularly during the summer months.
8. The appellant has commented that prior to reconstruction of the roof it was a mansard type design which had a closer spatial relationship with the window. However, it is apparent that the current roof has been in place for a considerable period when the conversion of the building took place in the early nineties. I have no evidence to suggest that the old roof could be reinstated. In any event it is incumbent upon me to assess the proposal on its own merits, as I have done. I therefore give this matter limited weight in coming to my decision
9. The absence of any comment from the occupants of the affected flat counts neither for nor against the proposal and does not lead me to reach a different conclusion on the main issue.
10. I conclude that the proposed development would unacceptably harm the living conditions of the neighbouring occupiers by reason of loss of daylight and outlook. It would be contrary to Policy CS14 of the Merton LDF Core Planning Strategy (2011), Policies DMD2 and DMD3 of the Merton Sites and Policies Plan (2014) and Policies 7.4 and 7.6 of the London Plan (2016) which, amongst other things, seek to ensure appropriate levels of daylight, that the living conditions of existing occupiers are not unduly diminished and for development not to cause unacceptable harm to the amenity of surrounding land and buildings.

Other Matters

11. Whilst the appellant has suggested that the dormer window closest to the affected window could be omitted, it has not been considered by the Council at application stage. In the interests of fairness, I must ensure that what is considered at appeal is what was considered by the Council and therefore I have not taken this into account.

Conclusion

12. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR