



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/21/3271291

145 - 147 Boundary Road, London SW19 2DE

- 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 J Patel and J Chauhan against the decision of the London Borough of Merton.
 - The application Ref 20/P3837, dated 22 November 2020, was refused by notice dated 5 February 2021.
 - The development proposed is rear extension and loft conversion to both properties.
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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 Issues

3. The main issues are:
 - The effect of the proposed development upon the character and appearance of the host properties and the area; and
 - The effect of the proposal upon the living conditions of the occupiers of No.143 and No.149 with regard to outlook.

Reasons

Character and appearance

4. The appeal site comprises two mid terrace dwellings located on a residential street. Boundary Road has a tighter urban grain comprising mainly terraced houses of a similar design with limited separation between properties. Most have two storey rear outriggers with a single storey projection and small gardens. A number of properties have been altered including through rear dormer windows and extensions at the end of the outriggers providing a degree of design variety to the area.

5. I acknowledge that the properties would be extended in an identical manner creating symmetry. However, the dormer windows, despite the setback from the ridge and sides would increase the bulk of the roof effectively resulting in an appearance similar to that of a three-storey house being out of scale and character with the host properties and houses in the area. The outriggers would become unduly prominent on account of their scale, form and bulk and would appear out of place along the back of the houses in the road.
6. My attention has been drawn to other alterations and extensions in the area. However, the circumstances behind each development is likely to be different. In any event, every appeal must be considered on its own merits, as I have done in this case. The presence of other extended properties in the area is not a reason to allow unacceptable development.
7. The appellant has referred to a Certificate of Lawful Development for an L-shaped dormer at No.147. I accept that there is a fallback position at one of the appeal properties in relation to a roof extension, but this does not extend to No.145 and does not include an extension to the outrigger. As such, it does not alter my overall conclusion in relation to character and appearance.
8. I conclude that the proposed development would unacceptably harm the character and appearance of the host properties and the area. This would be contrary to Policies DMD2 and DMD3 of the Merton Sites and Policies Plan (2014) (SPP), Policy CS14 of the Merton LDF Core Planning Strategy (2011) (CPS) and Policies 7.4 and 7.6 of the London Plan (2016) (LP) which, amongst other things, promote high quality sustainable design; developments to relate positively and appropriately to the scale, height and massing of surrounding buildings; extensions to respect the form, scale, bulk and proportions of the original building and development to have regard to the scale, mass and orientation of surrounding buildings and area.

Living conditions of existing occupiers

9. I acknowledge that windows in the rear look towards outriggers and side returns. However, the increased height and bulk of the proposed development and limited spatial separation would result in an increased sense of enclosure to the occupants of both Nos.143 and 149 when outdoors in the side returns and inside their dwellings. It would result in a visually intrusive form of development that would appear oppressive and overbearing severely diminishing the living conditions of neighbouring occupiers.
10. The absence of any comments, to the planning application, from the occupants of the properties either side counts neither for nor against the proposal and does not lead me to reach a different conclusion in respect of living conditions.
11. I conclude the proposed development would result in significant harm to the living conditions of existing occupants contrary to SPP Policies DMD2 and DMD3, CPS Policy CS14 and LP Policies 7.4 and 7.6 which, amongst other things, seek to ensure 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.

Conclusion

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

B Thandi

INSPECTOR