



Appeal Decision

Site visit made on 20 August 2021

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2021

Appeal Ref: APP/T5720/D/21/3274203

69 Westcroft Gardens, Morden SM4 4DJ

- 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 Miss Menekse Celik against the decision of London Borough of Merton.
 - The application Ref 21/P0724, dated 16 February 2021, was refused by notice dated 15 April 2021.
 - The development proposed is 'first-floor side and first-floor rear extension'.
-

Decision

1. The appeal is allowed and planning permission is granted for 'first-floor side and first-floor rear extension' at 69 Westcroft Gardens, Morden SM4 4DJ in accordance with the terms of the application, Ref 21/P0724, dated 16 February 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The description of development on the application form was amended following submission of the application. The original description better reflects the development proposed and I have referred to it for the purposes of this appeal.
3. The Revised National Planning Policy Framework (the Framework) was published on 20 July 2021. I am satisfied that the equivalent policies in the revised Framework have broadly the same approach as their counterparts, and they do not alter my conclusions on the matter in any case.

Main Issues

4. The main issues are the effect of the proposal on character and appearance of the host dwelling and surrounding area, and the effect of the proposal on the living conditions of occupiers of neighbouring properties; specifically nos. 71 and 67 Westcroft Gardens.

Reasons

Character and appearance

5. The appeal site is a semi-detached dwelling with existing ground-floor side and rear extensions. It is situated in the predominantly residential street of Westcroft Gardens, which comprises of semi-detached and terraced houses of a similar type and design. The street has a tight grain of development and uniform character. There is an uncharacteristic gap between the appeal site and the adjacent terrace due to the oblique orientation of the buildings towards

a curve in the road. Whilst the appeal scheme would create additional built mass at first-floor level to the flank wall, it would not result in a cramped appearance or otherwise interrupt the pattern or grain of development in the vicinity, by virtue of the gap and the existing ground floor extension. Moreover, the overall size and design of the extensions would not appear out of place in the streetscene, as there are other examples of similar extensions in the immediate vicinity.

6. The proposed side extension would be set down from the main roof ridge of the host dwelling and it would also be setback from the front elevation. It would match the eaves height of the host dwelling and it would have a hipped roof, which would match the roof type of the host dwelling. Similarly, the proposed rear extension would be inset on both sides of the rear-elevation and its roof-pitch would be set-down from the main roof. As a result, its design, size, scale and mass would be subservient to the host dwelling and would respect its proportions.
7. For these reasons, the appeal scheme would comply with policies DMD2 and DMD3 of the London Borough of Merton Sites and Policies Plan and Policies Maps (LBM SPP), adopted 2014, policy CS14 of the Core Strategy (CS), adopted 2011, and policies D1, D3 and D4 of the London Plan (LP 2021), adopted 2021. These policies seek, amongst other things, high quality design which relates positively and appropriately to local character, and which respects and complements the original building.

Living Conditions

8. The appeal scheme would bring the first-floor flank wall of the appeal site closer to the flank wall of no.71 Westcroft Gardens, and would include two facing windows. The proposed windows would be obscure glazed, secured by way of a planning condition. Although no.71 has a large window in its side elevation, this window does not appear to serve a habitable room. As such, the appeal scheme would not result in any unacceptable loss of privacy to no.71.
9. Moreover, due to the orientation of the appeal site and no.71, combined with the tapered design of the proposed side extension which would maintain a distance to the boundary with no.71, the appeal scheme would not create any unacceptable overbearing or overshadowing impact on no.71.
10. No. 69 Westcroft Gardens is the other part of the semi-detached pair with the appeal site. The proposed rear extension would project beyond the plane of the rear elevation of no.69 first-floor level. However, the proposed extension would have a modest height and depth, and it would be inset from the boundary. The modest scale and overall design of the appeal scheme would therefore not result in any unacceptable loss of outlook nor any overbearing or overshadowing impact on no.69. There would be no windows in the first-floor rear extension facing towards no.69, and thus there would be no resulting loss of privacy.

For these reasons, the appeal scheme would comply with policies DMD2 and DMD3 of the LBM SPP and policies D1, D3 and D4 of the LP 2021. These policies seek to ensure living conditions of existing and future occupiers are not unduly diminished.

Conditions

11. I have imposed standard conditions requiring the development is carried out in a timely fashion, in accordance with the approved plans. I also consider it necessary to impose a condition requiring the flank windows to be obscure glazed and non-opening, in order to prevent any adverse impact on the living conditions of no. 71 Westcroft Gardens. I have also imposed a condition which restricts the use of the flat roofed elements of the appeal scheme in order to prevent any adverse impact on the living conditions of neighbouring occupiers.
12. The Council has requested a condition which would, notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), require prior permission be obtained from the Council for the insertion of first-floor side elevation windows. I do not consider it necessary to impose such a condition as any upper-floor side elevation window would require such permission, unless obscure glazed and non-opening in any case.

Conclusion

13. For the reasons stated above, the appeal scheme would comply with the relevant policies of the Development Plan. The appeal is accordingly allowed.

Kim Langford Tejrar

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall being not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans numbered: WG03 Rev A- Proposed Floor Plans, WG04 Rev A- Proposed Sections a-a and b-b, and WG05 Rev A- Proposed Elevations.
- 3) The windows in the flank wall of the development hereby permitted shall be glazed in obscure glass to a height of 1.7 metres above internal finished floor level and designed to be non-openable to that height.
- 4) Access to the remodelled flat roof flanking either side of the first-floor rear extension hereby permitted, as described and shown on the approved plans, shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.