



Appeal Decision

Site Visit made on 22 June 2020

by Stewart Glassar BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 October 2021

Appeal Ref: APP/T5720/D/20/3245501

7 Streatham Road, Mitcham CR4 2AD

- 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 Tony Mitha against the decision of the Council of the London Borough of Merton.
 - The application Ref 19/P3597, dated 9 October 2019, was refused by notice dated 24 December 2019.
 - The development proposed is a loft extension with dormer redesign and all associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, the proposed development had been carried out. The appellant's description of the proposal as set out in the planning application form includes 'retrospective'. However, retrospective is not a form of development. I have amended the description accordingly and determined the appeal on the basis of the plans submitted with the application.
3. Between the determination of the planning application and the appeal coming before me, the new London Plan¹ and a revised Framework² were published. The Council has subsequently indicated that Policies D3 and D4 of the new Plan are relevant to this appeal. The views of the appellant have been sought on the new London Plan and I have referred to it in my findings. Similarly, both main parties have had an opportunity to comment on the revised Framework.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host property and wider area.

Reasons

5. The appeal property is a detached house on the southern side of Streatham Road at its junction with Graham Road. The area has a mix of property styles and sizes although most are generally two storeys in height with pitched or hipped roofs. The terraced properties in Graham Road, to the south east of the site, have a more regular and uniform appearance.

¹ The London Plan 2021

² National Planning Policy Framework (2021)

6. The main roof to the house appears to have previously been a pyramidal shaped hipped roof, with projecting pitched roofed gables facing towards Streatham Road and Graham Road, as well as at the back of the house.
7. The dormer roof extension extends from the south-western flank, around the rear of the house for almost its full width, and then returns along the north-eastern flank. It is flat-roofed, higher than the pitched roof gables, and slightly lower than the ridge of the main roof.
8. The structure is very prominent from both Graham Road and Streatham Road and by straddling the rear and side gables in the way that it does, pays little regard to the building's existing features. It is a somewhat functional solution to creating additional space. As a result, it gives the appearance of a new storey having been placed on top of the building's roof, as opposed to the dormers having been inserted into an existing roof slope.
9. The result is a bulky design which pays little regard to the features of the dwelling and accordingly is significantly harmful to the character and appearance of both the host property and the wider area. Therefore, the proposal is contrary to Policy CS14 of the Core Strategy³, Policies DM D2 and DM D3 of the Local Plan⁴ and Policies D3 and D4 of the London Plan, which amongst other things, seek to ensure that new development complements an existing building and relates well to its surroundings.

Other Matters

10. The appellant points to the previous appeal decision for a Certificate of Lawful Development (CLD) regarding the roof works and suggests that much of these works would have benefited from permitted development rights. On this basis, it is suggested that there is a fall-back position and the Council's approach and decision were incorrect. However, I consider the works to be a single, indivisible structure and I note that my colleague who determined the previous appeal for the CLD did not issue a split decision to indicate that any of the works constituted permitted development. Accordingly, it seems reasonable for the Council to have considered the proposal as a single development for which planning permission was required.
11. Given the scale of the works already undertaken, I accept that there is a real prospect of the appellant attempting to revise the dormer to accord with the permitted development tolerances. Whilst such retrospective works would not make the extensions permitted development, it would then be a matter for the Council to consider what further action might be expedient.
12. However, even accepting that scenario, I am not persuaded that the part of the dormer which would need to be removed to get to that position, is so minor as to make its retention acceptable. That part which straddles the side gable and is forward of the front roof slope, is one of the most visible parts of the structure when viewed from Streatham Road. Not only does it draw attention to the works as a whole but it harms the appearance of the side gable, which is an important part of the building's overall design and appearance. Therefore, any weight I could give to a potential fall-back position based on permitted development tolerances would not be sufficient to overcome the harm I have identified and so justify allowing the works as a whole to remain.

³ LDF Core Planning Strategy (2011)

⁴ Merton Local Plan - Sites and Policies Plan and Policies Map (2014)

13. The appellant has identified a number of other properties with rear dormers to justify the roof works. However, they are of a different scale and have a different context. I also have no information before me as to how decisions on those schemes were reached. I am also mindful that each case must be determined on its own merits and therefore these other cases do not alter my decision.

Conclusion

14. The proposal would harm the character and appearance of the host property and wider area and so would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR