



Appeal Decision

Site Visit made on 9 September 2021

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2021

Appeal Ref: APP/T5720/W/21/3270169

2 Orchard Close, Raynes park, London, SW20 9HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Andre Fagan against London Borough of Merton.
 - The application Ref 20/P3832, is dated 23 November 2020.
 - The development proposed is described as "Existing self contained 1 bedroom apartment (granny annex) extended to comply with national house space standards, existing house first floor extension separated from original dwelling to form self contained 3 bedroom duplex apartment at first floor and loft space".
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs has been made by the appellant. This is the subject of a separate Decision.

Preliminary Matters

3. The appeal relates to an end of terrace house previously enlarged by a two storey side extension to include a ground floor granny annex. The proposal includes an additional two storey side extension plus accommodation in the roof space. The Council's statement indicates uncertainty on whether the proposal would result in 2 additional dwellings or 1 additional dwelling with an enlarged granny annex. Their notification of the application was on the basis of the latter alternative. The proposal does not expressly include removal of the condition linking the annex to the main dwelling. Accordingly, my determination has been made on the basis of just one additional dwelling with an enlarged annex.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the building and surrounding area in relation to its scale, design and materials.

Reasons

5. The property forms part of a terrace of 5 houses with the end units having a gable over front bay windows forming bookends to the terrace. The design is repeated on the opposite side of Orchard Close and in some neighbouring roads such as Elm Close. There are similarly designed 1930s semi-detached houses on other nearby roads which also have a flank wall facing Grand Drive.

6. There have been many alterations to the dwellings in the surrounding area including side extensions infilling the gap at the side to Grand Drive and the construction of rear dormer windows. The current appeal proposal replicates this approach but would be of greater scale than commonplace in the area with the new flank wall close to the side boundary.
7. The replacement of the first floor casement window to the front elevation of the existing extension by 2 smaller windows and a larger two storey bay window under a gable would reflect the rhythm and form of fenestration elsewhere along the terrace. The provision of the gable and bay to form a new bookend would be consistent with the approach to some other side extensions in the area such as in Meadway and Meadow Close.
8. The brickwork surround to the first floor of the new bay would contrast with the rendered treatment along the terrace. The continuation of the brickwork half way across the flank wall to a height that would cut across the line of the front roof slope to the new gable end, including the insertion of a wide full depth first floor window, would result in an unusual and conspicuous treatment for turning the corner. The provision of a projecting metal framed first floor bay window set against a white rendered wall would result in a bold modern design to the flank wall that would not sit comfortably with the scale and detailing of openings and balance of materials elsewhere in the terrace.
9. The massing and prominence of the resultant building would be increased by the replacement of the current hipped roof to the flank wall by a gable end with a large rear dormer. The siting of the new flank wall close to the side boundary to Grand Drive would result in this massing appearing unduly prominent in the street scene. Other side extensions to end properties infilling gaps to Grand Drive have generally left more space to the side boundary that better reflects the openness of these corner plots. The projecting bay window would almost overhang the side boundary and the refuse bin enclosure adjacent to the side wall would abut it, resulting in a relatively crowded appearance to the Grand Drive return frontage in comparison with other side additions nearby.
10. The rear dormer would rise from the eaves level resulting in an appearance of a three storey building rather than rooms in the roof space. Its width and height would dominate the rear roof slope to the terrace appearing larger than most other dormers. Its siting close to the side boundary with Grand Drive would result in it appearing as an unduly large and conspicuous feature in the street scene, particularly when viewed from the south. Rear dormer windows have been included in some side extensions infilling gaps to Grand Drive, but these have generally been smaller and not as prominent as that proposed. The appeal decision¹ on a previous proposal for a large rear dormer to the appeal site is a material consideration; in my judgement the reasoning applied to the scale of that proposal equally applies to the current proposal.
11. The appellant has referred to large dormer windows rising from the eaves as the prevailing style in the vicinity. Whilst there are other large box dormers nearby there are also dormers set back in the roof slope. I have not been provided with the planning history for these additions. Some may arise from the exercise of permitted development allowances. But a proposal for planning permission needs to be assessed in relation to relevant planning policies and supplementary planning guidance relating to design.

¹ Appeal Ref: APP/T5720/D/19/3229185 and Application Ref 19/P0658

12. It is evident from the appellant's submissions that attempts have been made to apply to the proposal the design ethos of the original 1930s terrace supplemented by modern interpretations of planning policy. The appellant has prepared a comprehensive study of different character areas along the length of Grand Drive. There is a modern estate of houses to the north in Meadowview Road the design of which is continued through to the Grand Drive frontage. The appeal site is clearly within a character area of similar 1930s style houses. The design and access statement highlights the strengths and weaknesses of various corner properties along the length of Grand Drive in addressing both road frontages. Original modest oriel windows can still be seen on some side walls to the 1930s houses flanking Grand Drive. By contrast, whilst the two large first floor flank windows proposed would certainly provide a frontage to Grand Drive and surveillance of its footways in relation to designing out crime aspirations, their scale and prominence would not be sympathetic to the character and appearance of the host building and the terrace as a whole.
13. The overall scale of the proposal, its unduly prominent features to the flank and rear elevations and its proximity to the Grand Drive frontage would have an unacceptable impact on the character and appearance of the host property and the immediately surrounding area of similar dwellings. The proposal would thereby be contrary to Policies DMD2 and DMD3 of the Merton Sites and Policies Plan (2014) and with Policy CS14 of the Merton Core Planning Strategy (2011) which seek, amongst other things, to secure high-quality design and proposals that are visually attractive, appropriate to their context and which do not dominate the existing roof profile. In these respects, the proposal would also be contrary to the design objectives of Policies D3 and D4 of the London Plan (2021).
14. The proposal would result in the gain of one additional dwelling and enhanced accommodation within the annex. This would be a benefit that would accord with the Government's objective to significantly boost the supply of homes set out at Paragraph 60 of the National Planning Policy Framework (2021). But even if I were to regard the proposal as two additional homes, this benefit would not outweigh the harm I have described to the character and appearance of the area.

Conclusion

15. The proposal would have a detrimental effect on the character and appearance of the building and surrounding area in relation to its scale, design and materials. For the reasons given above I conclude that the appeal should be dismissed.

Rory MacLeod

INSPECTOR