



Appeal Decision

Site visit made on 14 February 2022

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2022

Appeal Ref: APP/T5720/W/21/3277596

Ground Floor Flat, 10 Hamilton Road, South Wimbledon, London SW19 1JF

- 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 Kimberley Bachelot against the decision of the Council of the London Borough of Merton.
 - The application Ref 21/P0174, dated 25 September 2020, was refused by notice dated 1 April 2021.
 - The development proposed is for a single-storey rear extension. Retention of existing first-floor external door and the erection of an external stairs to the rear garden.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Kimberley Bachelot against the Council of the London Borough of Merton. This application will be the subject of a separate decision.

Procedural Matters

3. The Government published a revised *National Planning Policy Framework* (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area, and;
 - the living conditions of neighbouring occupiers.

Reasons

Character and appearance

5. The appeal site is located in a dense residential area of brick and tile dwellings, including 10 Hamilton Road, which is a two-storey, terraced house. The host property has a rear garden space that is unfenced to the side adjacent to No 12 Hamilton Road, which is a similar dwelling to No 10 that has a small sloped-roof extension to the rear.

6. The back garden of No 10 rises up to meet with the boundary of the properties that can be seen on Orton Place, and also provides views to the rear elevations, extensions and landscaped gardens of the neighbouring properties along Hamilton Road. In combination the gardens help to create a sense of spaciousness in the built environment on this side of Hamilton Road.
7. I noticed at my site visit that the external elements of the proposed development has been mostly completed in matching materials to the host dwelling, and that an extension that was previously attached to the appeal property, which was similar in scale to that seen at No 12, appears to have been removed or remodelled. The development consists of a single-storey, flat-roofed extension that extends towards the rear boundary of No 10 along the walled boundary with No 8 Hamilton Road. The extension has a glazed opening and a door facing the garden, and there are also windows and a ground-floor door to the side elevation that look onto the flank of No 12.
8. At first floor-level the host dwelling has a door that is currently unconnected to the garden space below. However, the proposal is to connect the door to the garden by means of an external stairway.
9. The appellant has brought to my attention the potential for an extension to her property at No 12 under permitted development regulations¹, and the existence of recent developments nearby that have been permitted under the same principle. This is noted. However, whether the dwelling has been previously occupied as flats or not, the proposal before me is for a full planning permission at 10 Hamilton Road. Therefore, I have considered the proposal on its own planning merits.
10. As such, the development is located in an established residential area. Therefore, the general principle of development on the appeal site is accepted. However, while I note the appellants original intention to construct an extension at No 10 under permitted development, and concerns regarding the exact length of the proposal given on the submitted plans that were accepted by the Council, I noticed at my site visit that the elongated development is of some considerable scale and mass in comparison to the modest extension seen at No 12. Indeed, the development extends at some depth into the relatively small host garden.
11. Moreover, while I observed that there are other extensions to either side of the host dwelling, including a conservatory at No 8, the fact remains that the garden space associated with No 10 is more compact in comparison to the immediate neighbouring gardens. Furthermore, the host garden looks directly onto, and is in close proximity with, the blank side elevations of the properties on Orton Place.
12. Consequently, in my view, the bulky development erodes the sense of spaciousness in this specific garden location, and is at odds with the modest host dwelling and the smaller scale extension seen at No 12.
13. I conclude therefore, while the appellant contends that the development would be 'hardly noticeable, and not too great or excessive', I find to the contrary; that the scale, bulk and length of the development in this specific location on Hamilton Road would harm the character and appearance of the area.

¹ Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

14. Accordingly, in so far as it relates to the character and appearance of the area and the host dwelling, the proposal is contrary to Policies D1 and D4 of the London Plan, 2021 (LP), Policies DMD2 and DMD3 of the Merton Council Sites and Policies Plan and Policies Maps, 2014 (MSPP) and Policy CS14 of the London Borough of Merton LDF Core Planning Strategy, 2011 (MCS), which require that all development needs to be designed in order to respect, reinforce and enhance the local character of the area in which it is located.
15. For similar reasons, the proposal does not meet the aims of Paragraph 130 (c) of the Framework which says, amongst other things, that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Living conditions

16. The proposal would be in close proximity to No 12 and its' rear garden space. Therefore, while I acknowledge that No 10 is located in a dense residential area, the addition of an elevated stairway to the traditional type dwelling would result in ample opportunity for future occupiers to look not only onto the garden of No 12, but also the private and leisure activities of the neighbouring occupiers, particularly as there is no separation boundary between the two dwellings to the rear. Furthermore, the use of the stairway is likely to be frequent at warmer times of the year, and offer an external space where it might be attractive for the occupiers of the dwelling to linger.
17. Therefore, and in the planning judgement, I conclude that the proposal by virtue of its' proximity, elevated position and likely usage, would harm the living conditions of the neighbouring occupiers.
18. Consequently, the proposal, in respect of the living conditions of the neighbouring occupiers, does not meet the aims of Policies D1 and D4 of the LP, Policy CS14 of the MCS and Policy DMD2 of the MSPP, and Paragraph 130 (f) of the Framework, which requires that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

19. The development would provide rented accommodation and some minor economic and social benefits. In addition, the stairway would provide an opportunity for future occupiers to enjoy some fresh air and the benefits of an urban-type garden. However, these considerations do not outweigh the harm to the character and appearance of the area or the living conditions of the neighbouring occupiers I have found above.
20. The appellant has highlighted a previous appeal in support of her case². Nonetheless, as this appeal relates to a different location and type of development altogether, and moreover refers to development in the Green Belt, I afford this very limited weight.

² Darrington Quarries Ltd v North Yorkshire County Council (2020)

Conclusions

21. Having considered all matters raised in support of the development I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Accordingly, the development is in conflict with the adopted development plan when considered as a whole, and given the above would also conflict with Policies contained within the Framework, and as there are no other material considerations that indicate a decision other than in accordance with those Policies as a whole, I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR