



Appeal Decision

Site visit made on 21 February 2022

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2022

Appeal Ref: APP/T5720/D/21/3284806

1 Heathfield Drive, Mitcham, CR4 3RD

- 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 Grace Preedy against the decision of the London Borough of Merton Council.
 - The application Ref 21/P1870 dated 10 May 2021, was refused by notice dated 11 August 2021.
 - The development proposed is erection of two storey side extension, minor alterations to the entrance and new bin store.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the impact of the proposal upon the i) appearance of the area and the host dwelling and ii) amenity of neighbouring occupiers with regard to a sense of enclosure, loss of sunlight, daylight and privacy.

Reasons

3. There are several elements to the appeal proposal as outlined within the description of the proposal above. The refusal reason is based solely upon the two storey side extension and not the porch or bin store. I have no evidence before me to suggest issues with these particular elements. For the avoidance of doubt this appeal will be based upon the issue raised with regard to the two storey side extension only.

Appearance of the area and the host dwelling

4. The appeal site is an end of terrace dwelling which is located on the corner of Victoria Road and Heathfield Drive. The host dwelling is back to back with 56 Victoria Road (which faces towards Victoria Road itself) with the host dwelling being on the rear. The side elevation of the appeal property is adjacent to a small parking area which stands between the appeal site and Heathfield Drive itself.
5. The proposal would, I find, appear satisfactory in terms of appearance and relationship to the host dwelling when viewing from the South (front) elevation of the host dwelling in terms of general design and proposed materials to match existing. Despite this the back to back relationship with 56 Victoria Road, as described above, would result in the elevations, which are viewed within the general site setting, being the side and rear elevations which face Heathfield Drive and Victoria Road respectively.

6. During the application process I note that amendments were made to the roof form which resulted in a dual pitched design. Despite this it is still not possible to put any features in the elevation which would face Victoria Road due to the relationship with the garden of 56 Victoria Road. This would result in a blank wall facing the streetscene in this direction and, overall, the design would result in an wedge shaped extension designed to fit the irregular shaped space to the side of the host dwelling. The combination of these factors I find to result in an incongruous addition to the host dwelling itself as a result of its design, scale, bulk and massing when viewed from the side and rear.
7. I find that, when viewed from within Heathfield Drive itself, the side extension would likely look acceptable in so far as it would be subservient, match the host dwelling in terms materials as the angular design would not likely be as notable when combined with the set back behind the existing parking area. Similar form is noted as the intention of the proposal. Despite this, due to the irregular shape of the extension, and lack of features facing Victoria Road, I find that the proposal would present as an incongruous, dominant and visually prominent form of development when viewed from within the Victoria Road streetscene and the corner of Victoria Road and Heathfield Drive.
8. The proposal would be contrary to London Plan 2021 (LP) Policy D3 which requires proposals to enhance local context by delivering buildings that positively respond to local distinctiveness through scale, appearance and shape and LP Policy D4 which seeks to ensure quality design. The proposal would also be contrary to LDF Core Planning Strategy 2011 (CS) Policy CS14 which requires development to be designed to respect, reinforce and enhance the local character of the area, Site and Policies Plan 2014 (SPP) Policy DM2 which requires proposals to use appropriate architectural forms which complement and enhance the character of the wider setting and SPP Policy DM3 which requires extensions to respect the original building and complement the character and appearance of the wider setting.

Amenity of neighbouring occupiers

9. The second refusal reason references five policies from the LP, CS and SPP but the appellant's statement only considers the proposal against points within SPP Policy DM2. Compliance with some points of SPP Policy DM2 are noted. I have, however, found the proposal contrary to SPP Policy DM2 with regard to the first main issue. The second refusal reason relates to impact on neighbouring amenity with regard to sense of enclosure, loss of sunlight, daylight and privacy.
10. A letter of support from 56 Victoria Road is noted but a lack of objection is a neutral consideration and statements that neighbouring properties may undertake similar proposals carry little weight at this stage within this appeal. The garden for 56 Victoria Road, due to the layout, is limited to the front and side of the property. The proposal would result in two storey built form against the boundary between the two neighbouring properties.
11. From the evidence before me, including photographs from within the garden of 56 Victoria Road, I find that this would result in an overbearing impact and sense of enclosure for the limited garden space to the side of 56 Victoria Road. Furthermore 56 Victoria Road is North of the proposal which would result in shading and loss of sunlight for a large proportion of the day.

12. The side window would overlook the car parking area I do not find would impact upon neighbouring amenity. The proposal would introduce a new bedroom window on the first floor elevation in remarkably close proximity to the site boundary with 3 Heathfield Drive and the neighbouring garden. At the time of my site visit, and from the submitted plans, I note that the closest first floor window of the appeal site to 3 Heathfield Drive is currently an obscured bathroom window. The existing bedroom window is on the furthest point away from 3 Heathfield Drive which is orientated side on (at 90 degrees or so) to the appeal site. The bedroom window in the proposed extension could, I find, result in an inappropriate level of overlooking and loss of privacy for the garden of 3 Heathfield Drive.
13. I have, however, considered the application of conditions including installation of obscured glazing below 1.5m in the window in question as well as those suggested by the Council. On this occasion there is another window, in the proposed side elevation, which would also serve the proposed bedroom in question. I find that this would provide future occupiers of the proposal with an acceptable level of outlook which would allow for a suitable condition requiring a level of obscured glazing and controls over opening mechanisms for the rear window proposed closest to 3 Heathfield Drive. Whilst this could have addressed the issues with regard to overlooking and loss of privacy for 3 Heathfield Drive the proposal would still be unacceptable with regard to the impact identified upon the residential amenity of 56 Victoria Road for the reasons outlined above.
14. The proposal would be contrary to LP Policy D3 which requires proposals to deliver appropriate amenity and which links, as a policy, to CS Policy CS14. The proposal would also be contrary to SPP Policy DM2 which requires proposals to ensure provision of appropriate levels of sunlight and daylight, amenity space to proposed and adjoining buildings and gardens.

Other Matters

15. I note that the appellant raises that Council officers had stated that the proposal was to be approved. Despite this whilst I appreciate the correspondence, prior to the refusal being issued, is likely frustrating - officer correspondence is made without prejudice to the determination of an application prior to a decision being issued. I have determined the proposal upon its merits based upon the evidence and refusal reasons before me. Adjustments to the roof form during the application process are noted but would not overcome the issues I have identified with the proposal.
16. I have dealt with matters raised within the objections received during the application period within the main issues of this appeal above. Given the orientation of the appeal site to 3 Heathfield Drive I do not find the proposal would result in loss of light or overshadowing to the property in question.

Conclusion

17. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR