
Appeal Decision

Site visit made on 7 March 2022

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2022

Appeal Ref: APP/T5720/D/21/3289459

61 Woodland Way, Morden SM4 4DS

- 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 Guy Cullum against the decision of the Council of the London Borough of Merton.
 - The application Ref 21/P2344, dated 16 June 2021, was refused by notice dated 30 September 2021.
 - The development proposed is the erection of a 2 storey side extension and roof terrace.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effects of the proposal on:
 - i) Neighbours' living conditions, in terms of overlooking and noise; and
 - ii) The character and appearance of the building and the local area.

Reasons

Living conditions

3. 61 Woodland Way is a semi-detached house on a tapering plot at the junction with Ashridge Way. The proposal is to build a similarly tapering 2 storey side extension with a second floor level roof terrace enclosed by a low glass balustrade and screened at the front by a section of pitched roof. The terrace would extend nearly to the back of the house, from where users would have elevated, short range views over the back garden of the neighbouring house, 49 Ashridge Way, unduly harming neighbours' privacy. The building at No 49 would not block views sufficiently to make this situation acceptable.
4. I take into account that there is already a degree of mutual overlooking in this suburban situation, including from a second floor dormer roof extension at No 61. I consider, however, that overlooking from a high level terrace like this would be significantly more intrusive on No 49's garden than the more restricted and less open views from windows.

5. The Council is also concerned about likely noise nuisance being caused by people using the terrace. The terrace would not be particularly large though and noise from it should be similar to the existing noise from gardens. I find no objection in this respect.
6. I note that no neighbours have objected, but must consider the impacts of the proposal on all occupiers, including those in the future. I conclude that the proposed roof terrace would unacceptably affect living conditions at No 49 next door due to overlooking and loss of privacy. It would therefore conflict with the aim of Sites and Policies Plan (SPP) Policy DMD2 to ensure appropriate levels of privacy in adjoining gardens.

Character and appearance

7. The Council's objection in this respect is also about the roof terrace, and the consequent flat roof form of the extension. I could see no similar roof terraces in the local area and this looks to be a unique design in the immediate vicinity. I note that there is a large 2 storey flat roofed side extension across the road, but do not consider this to be a good example to follow. The use of the small section of pitched roof at the front would help to moderate the impact, however, and the low glass balustrade would be unobtrusive. The extension would be set back from the front of the house and would largely be seen in the context of the gables of the 2 houses. It would be a reasonably discrete architectural element which would not stand out in or detract from the street scene.
8. I conclude that the proposal would not harm the character or appearance of the building or the local area. It therefore accords in this respect with the aims of London Plan Policy D4, Core Planning Strategy Policy CS14 and SPP Policies DMD2 and DMD3, to ensure that development is of a high quality that respects, reinforces and enhances local character, with extensions complementing both the building and the wider setting.

Other matters

9. I have considered the other matters raised in support of the appeal. The appellant refers to the Council's *Supplementary Planning Guidance: Design* which supports creative solutions such as roof terraces to accommodate the need for outdoor spaces. I have not been provided with a copy of this document or any statement regarding its status. In any case, however, No 61 already has a satisfactory garden space so I see no overriding need for this additional, roof level amenity space.

Conclusion

10. Although I have found in favour of the proposal in respect of the second main issue, the impact on neighbours' privacy is sufficient reason for me to conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR