



Appeal Decision

Site visit made on 1 April 2022

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28TH April 2022

Appeal Ref: APP/T5720/D/21/3286430

37 Octavia Close, Mitcham CR4 4BY

- 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 Daniel Owen against the decision of the London Borough of Merton.
 - The application Ref 21/P3021, dated 18 August 2021, was refused by notice dated 14 October 2021.
 - The development proposed is the installation of 1.1m high galvanized steel railings around the roof perimeter of the rear extension. Additionally windows on the floor that access the terrace will be converted to Bi-folding doors.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area, and the living conditions of the occupiers of the neighbouring properties.

Reasons

3. The property is part of a large 1970s three storey building and benefits from a single storey flat roofed extension to the rear. The proposal is to use the roof of the extension as amenity space and metal railings have been added to the edge of the roof, therefore this element is retrospective. However, currently there is no access from the property to the terrace as the existing windows remain in situ. Beyond the property is a grassed area which extends to the river and includes a public footpath. The riverside area, including Octavia Close, forms part of the Wandle Valley Conservation Area which follows the river.
4. Octavia Close turns its back on the river and many of the properties have extensions and outbuildings to the rear, although these are mostly screened by boundary fencing. The existing extension to No.37 projects above the boundary fence, and due to its elevated position the railings are highly conspicuous.
5. I acknowledge that railings are a feature of the building, however these are part of the original design. They are formed of two horizontal bars and are located to the front, above the projecting garages, and to the inset balconies at the corners of the building. In contrast, to the rear the elevation has a simple appearance and the introduction of the vertical railings, which extend some

distance from the building, form an incongruous feature and are visually prominent.

6. The appellant explains that the terrace is to provide a safe outdoor space for their children. Nonetheless, the single storey extension has replaced most of the garden and the Council advise that a condition was imposed on that consent preventing the use of the roof space. The depth of the terrace would allow users to look back towards the building with direct views into the neighbours first floor windows, as well as over their gardens. Whilst there is an existing level of mutual overlooking, in my view, the proposal would result in an undue loss of privacy to the occupiers of the neighbouring properties. Additionally, given its size and position, the use of the terrace is likely to result in increased noise and disturbance, and associated paraphernalia would add to the visual clutter, detracting from the riverside setting.
7. Overall, I find that the railings have an adverse visual effect on the building and its surroundings, failing to preserve the character and appearance of the Conservation Area. The terrace would also be harmful to the living conditions of the occupiers of the neighbouring properties and a lack of neighbour objections does not lead me to a different view. Having regard to the National Planning Policy Guidance the impact on the Conservation Area would be less than significant, but there are no identified public benefits which outweigh the harm I have found.
8. The proposal therefore conflicts with London Plan 2021 policies D3 and D4, Merton's Local Plan Sites and Policies Plan (2014) policies DM D2, DM D3 and DM D4, and Merton LDF Core Planning Strategy (2011) policy CS 14. Collectively, and amongst other things, these policies seek that development responds to the surrounding area, conserve heritage assets, respects the design of the original building and protect from visual intrusion and noise.

Conclusion

9. For the reason set out I dismiss the appeal.

G Ellis

INSPECTOR