



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: 19TH May 2022

Appeal Ref: APP/T5720/D/21/3288440 47 Rutland Drive, Morden SM4 5QD

- 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. Cristina Azh against the decision of the London Borough of Merton.
 - The application Ref 21/P0903, dated 2 March 2021, was refused by notice dated 9 November 2021.
 - The development proposed is the erection of a single storey rear and side extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey rear and side extension, at 47 Rutland Drive, Morden SM4 5QD in accordance with the terms of the application, Ref 21/P0903, dated 2 March 2021.

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 (45 and 49 Rutland Road).

Procedural Matters

3. The single storey extension has been built, and therefore this is a retrospective proposal. The external appearance of the built extension is slightly different to that as shown on the plans, nevertheless, the overall scale and form of the extension corresponds with the plans.

Reasons

Character and appearance

4. The semi-detached property is located within a row of similar properties which have a regularity to their form. To the side the extension effectively replicates the height and form of the previous garage but now projects to the rear and extends across the full width of the property.
5. A number of properties in Rutland Drive have similar extensions, and the properties exhibit a range of materials. To the front the extension and host property have been recently rendered creating a coherent appearance. Due to its siting and single storey form, the visual presence of the rear extension is restricted to the neighbouring properties. The extension has a large footprint, nevertheless it is limited in height and bulk, and a reasonable garden space is

retained. As such, I do not find the extension has an unsympathetic appearance to the host property and has a limited impact on its character.

6. Consequently, I find 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 (2021) policy D3, Merton Core Planning Strategy (2011) policy CS14, and Sites and Policies Plan (2014) policies DM D2 and DM D3, which seek 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.

Living Conditions

7. The relationship with the neighbours reflects that of other properties in the vicinity with rear extensions, and as part of a residential area there is a mutual level of intervisibility between properties and general views of neighbours' structures. The gardens face northeast and therefore the effects of the extension on sunlight to the adjacent gardens is limited. The floor level of the extension is slightly elevated from the garden, but lower than the host property and I do not find that the rear patio doors result in a material loss of privacy.
8. A substantial length of wall is created along the boundary with No.49, although this is primarily between the flank elevations. There is also a gap between the properties and No.49 has a detached outbuilding adjacent to the boundary which projects beyond the depth of the appeal extension. I am therefore satisfied there is not an unacceptable loss of outlook or sense of enclosure from the rear windows of No.49.
9. To the other side, the extension is marginally inset from the shared boundary which comprises fencing and landscaping. Due to the depth of the extension, there will be some reduced outlook from No.45, however the bay window permits an angle of views and I do not find the scale and height of the extension so excessive that it has a significant overbearing impact.
10. For the above reasons, I conclude that the proposal does not detrimentally harm the living conditions of the occupiers of Nos.45 and 49 with regards to outlook, sunlight and privacy. I thereby find no direct conflict with policy DM D2 of the Merton Sites and Policies Plan (2014) which amongst other things seeks to ensure an appropriate quality of living conditions.

Other Matters

11. Interested parties and the Council have highlighted discrepancies with the application forms and plans. Whilst I have assessed the development as proposed, as the extension is in situ, I have also been able to observe the relationship with the neighbours and the wider area. The introduction of render is a visual benefit and is an element which could have been required by condition. Issues relating to the exact boundary line and party wall agreements are private matters and I have therefore given this little weight in my decision.

Conditions and Conclusion

12. Given that the extension is already in position it is not necessary for me to attach any other planning conditions.
13. For the reasons set out I allow the appeal.

G Ellis

INSPECTOR