



Appeal Decision

Site visit made on 26 May 2022

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 JUNE 2022

Appeal Ref: APP/T5720/W/21/3285910

73 Cavendish Road, Colliers Wood, London SW19 2EY

- 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 Dr Y Patel against the decision of the Council of the London Borough of Merton.
 - The application Ref 21/P2278, dated 12 June 2021, was refused by notice dated 9 August 2021.
 - The development proposed is described on the application form as: 'Erection of side/rear extension and use as attached house (amendment to planning permission 20P3965)'.
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Decision

1. The appeal is dismissed.

Background

2. I have been referred to an alternative scheme which benefits from planning permission for a dwelling at the appeal site¹. The appellant has provided excerpts from the approved plans forming part of that planning permission, which appear to accord with descriptions provided by the council. I have therefore considered that alternative scheme as a fallback option for the appellant.

Main Issues

3. The main issues are the effect of the proposed development on: (i) the character and appearance of the area; and (ii) the living conditions of neighbouring residents and future residents, with particular regard to outlook and light.

Reasons

Character and Appearance

4. The appeal site comprises an end of terrace house with rear garden. It is slightly larger, but similar in appearance to neighbouring houses within the short terrace. The surrounding residential area is made up of a mix of 2 storey semi-detached and terraced houses with modestly sized rear gardens. There are examples of larger, 3 storey blocks of flats, but the appeal site is typical of its surroundings.

¹ The council's reference: 20/P3965

5. It is proposed to erect 2 storey side and rear extensions and a single storey side and rear extension to the existing end of terrace house. This would create a new 2 bedroom house and enlarge a bedroom and kitchen/dining area to serve the existing dwelling. Two small irregularly shaped rear garden areas would be created to serve the existing and proposed dwelling.
6. The extensions would appear as substantial additions to the rear of the property, which would be clearly appreciable in views from the rear of neighbouring properties and along Norfolk Road. Although the small size of the proposed garden areas would also be notable, these would not deviate significantly from the prevailing tight knit residential character of the area.
7. The proposed single storey and 2 storey rear extensions would dominate the rear elevation of the short terrace and their excessive scale would be unsympathetic to the more modest surroundings. This would be on account of their significant depth in a prominent position at the end of the terrace, even in the presence of neighbouring rear extensions at ground and roof levels.
8. The appellant has explained the depth of the proposed 2 storey rear extension would exceed that of the fallback option by 0.5 metres, and only part of the proposed ground floor rear extension would exceed the depth of the fallback option by 0.5 metres. These are small increases in depth, but in the context of the appeal site's modest surroundings and combined with their overall height and the extent to which they would cover the appeal site, they would create an unduly bulky and dominant form of development in comparison to the fallback option, which would have a significant adverse impact on the character and appearance of the area. The hipped roof to the proposed 2 storey rear extension, the angles of which would match the existing rear roof slope, would not mitigate that harm.
9. The proposal would therefore fail to accord with Policies D3 and D4 of the London Plan (2021), Policy CS.14 of the Merton LDF Core Planning Strategy (2011), and Policies DM D2 and DM D3 of the Merton Sites and Policies Plan (2014). These require, amongst other things, development to be high quality and to respond to a site's context by respecting, reinforcing, and enhancing the local character of the area and by relating positively to the scale, proportions, and massing of surrounding buildings.

Living Conditions

10. The proposed 2 storey rear extension would have a total depth of 3.5 metres, which would be set in from the boundary shared with 71 Cavendish Road by 2.8 metres, according to the appellant. Even with this separation distance from the shared boundary, the 3.5 metres depth of the proposed 2 storey rear extension would be a significant feature along the shared boundary. The size and positioning of the 2 storey rear extension would be experienced as an overbearing form of development from the rear windows and garden of 71 Cavendish Road, which would result in an unacceptable loss of outlook for residents of that property.
11. The appellant has advised that the proposed 2 storey extension would not breach a 45 degree line from the first floor rear windows of 71 Cavendish Road. However, this has not been demonstrated, and based on the information presented and what I saw during my site visit, it would appear likely that the proposed 2 storey rear extension would reduce the light received by the rear of

71 Cavendish Road during the early hours of the day. This would be on account of the height, depth and positioning of the proposed 2 storey rear extension and the orientation of the plots.

12. The proposed ground floor rear extension would be stepped, enclosing the proposed rear garden space to the existing dwelling. The extent of enclosure would be minimal, and although the garden space provided would be small, the level of outlook which would be experienced by future occupants of the existing dwelling would not be significantly different to that which they would experience in the case of the fallback option.
13. The proposed 2 storey rear extension would not therefore harm the living conditions of future residents of the existing dwelling at the appeal site, but it would have a materially harmful effect on the living conditions of residents of 71 Cavendish Road with regard to outlook and loss of light. The level of harm would be materially greater than that which would be caused by the fallback option. This would be contrary to Policy D3 of the London Plan (2021) and Policy DM D2 of the Merton Sites and Policies Plan (2014). These require, amongst other things, new development to deliver appropriate outlook, amenity and quality of living conditions for residents.

Conclusion

14. The proposal would harm the character and appearance of the area and would harm the living conditions of neighbouring residents, in conflict with the development plan taken as a whole. There are no material considerations that indicate my decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

L Douglas

INSPECTOR

