



Appeal Decision

Site visit made on 20 July 2022

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th August 2022

Appeal Ref: APP/T5720/D/21/3278836

30 Central Road, Morden SM4 5RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Ashley Rabot against the decision of the Council of the London Borough of Merton.
 - The application Ref 21/P1701, dated 3 May 2021, was refused by notice dated 14 June 2021.
 - The development proposed is a single-storey rear extension totalling 2.60 metres in length adjoining a pre-existing 3 metre rear single-storey extension and bringing the total length of the rear extension from the original building to 5.60 metres; the width of the proposed extension would be 5 metres, in line with the pre-existing extension and the maximum height would be 3 metres.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have made minor amendments to the description of the proposed development in the banner heading above, to remove superfluous words and improve clarity.
3. There are ambiguities in the appellant's written evidence regarding the dimensions of the proposed extension. I have used the dimensions of the proposed development as set out on the application form and which are consistent with the Council's Decision Notice, in determining this appeal.

Background and Main Issue

4. Schedule 2, Part 1, Class A, Paragraph A.4(7) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) states that '*where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises*'.
5. Therefore, the main issue is the effect of the proposed development on the amenity of any adjoining premises, with particular regard to the living conditions of neighbouring occupiers in terms of natural light and outlook.

Reasons

6. The appeal building is a traditional 2-storey, mid-terraced house. At the rear is a single-storey, flat-roofed extension. The proposed development would extend the existing rear extension to some 5.6 metres from the rear elevation of the terrace, whilst maintaining its flat roof and width of some 5.0 metres.
7. A patio area abuts the existing extension, with steps down to a grassed area containing a shed, plants, small trees and similar garden paraphernalia. All of the dwellings within the terrace have similar sized and shaped rear gardens bounded by timber panel fences to the sides.
8. The location of 32 Central Road to the southwest of the appeal property means that it would not be affected by the proposed development in terms of reduced natural light. There would be some loss of natural light to the rear of 28 Central Road as a result of the proposed development, due to its position to the northeast of the appeal property. However, the orientation of the terrace means this would only be likely to have an effect at certain times of day and given the existing screening along the boundary between Nos 28 and 30, would not cause significant harm to the occupiers.
9. The proposed development would span almost the full width of the appeal property and would extend several metres beyond an existing single-storey rear extension at No 28, next door. Its flat roof would be higher than the eaves of the next door extension and would be considerably higher than the boundary fence. The size of the proposed development would thereby reduce the outlook from the rear of No 28, and its position very close to the boundary with No 28 would increase its visual impact.
10. Whilst the proposed development would be a slightly greater distance from the boundary with No 32 next door to the southwest, it would still be very close to this boundary. Furthermore, there is no rear extension at No 32, meaning that the visual prominence of the proposed development would be greater here than at No 28, with a consequently greater reduction in outlook.
11. The Council's officer report makes reference to 26 Central Road next door to 32 Central Road, and to the sense of enclosure that would be caused to the occupiers of No 32 by the proposed development and a rear extension at No 26. From the evidence and my observations on site, the Council's officer report is incorrect in this regard. No 26 is not next door to No 32 and does not have a rear extension.
12. However, 34 Central Road is next door to No 32 and contains a mono-pitched roof structure attached to its rear elevation that extends over part of its rear garden. This structure is constructed with an open timber lattice closest to the boundary with No 32 and is less substantial than a conventional extension. Nevertheless, it does contribute to the sense of enclosure to the rear of No 32.
13. I note that the appellant claims that the fence between Nos 30 and 32 rises to some 2.4 metres above ground level and so the additional height of the proposed extension to 3.0 metres would not be unduly dominant or intrusive. I do not share this assessment of the effect of the proposed development.
14. From the information before me and my observations on site I cannot say for certain that the height of the boundary fence is some 2.4 metres above ground level as the appellant claims. From the patio, the height of the fence is some 1.5

metres, although this is raised above the existing ground level. However, the roof of the proposed extension would be significantly higher than the top of the boundary fence and the size, massing and position of the proposed development would worsen the existing sense of enclosure and limited outlook at the rear of No 32.

15. For the reasons set out above, the proposal would have an acceptable effect on the living conditions of the occupiers of adjoining premises with regard to natural light. However, it would cause unacceptable harm to the living conditions of the occupiers of adjoining premises with regard to outlook. The proposed development would, in so far as it relates to the matters contained under relevant parts of Schedule 2, Part 1, Class A of the GPDO, conflict with Policy D3 (optimising site capacity through the design-led approach) contained in the London Plan 2021¹; with Policy DM D2 (design considerations in all developments) contained in the Merton Sites and Policies Plan 2014; and, with Policy CS14 (design) contained in the Merton Core Strategy 2011.

Other Matters

16. Reference is made by the appellant to 'similar' rear extensions in the area. I am not familiar with these extensions, and in any event, each proposal should be considered on its individual merits, which is what I have done in this case.
17. Reference is also made to the intended function of the proposed development, to improved energy efficiency and appearance, and to the Government's ambition for housing and the economy. These do not affect my assessment of the effects of the proposed development on the amenity of adjoining premises or cause me to reach a different conclusion with regard to the harm they would cause, as set out above.

Conclusion

18. For the reasons given above, I conclude that the appeal is dismissed.

A Parkin

INSPECTOR

¹ The Spatial Development Strategy for Greater London 2021