



Appeal Decision

Site visit made on 20 December 2022

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 JANUARY 2023

Appeal Ref: APP/T5720/W/22/3293959

39 Arundel Avenue, Morden SM4 4DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr C M Bautista against the London Borough of Merton.
 - The application Ref 21/P2846 is dated 26 July 2021.
 - The development proposed is proposed hip to gable roof alteration to include a rear dormer roof extension in connection with a loft conversion. Garage conversion to form habitable accommodation to include raising of the roof by 450mm at the rear and rebuilding of the front and rear walls.
-

Decision

1. The appeal is allowed and planning permission is granted for proposed hip to gable roof alteration to include a rear dormer roof extension in connection with a loft conversion, garage conversion to form habitable accommodation to include raising of the roof by 450mm at the rear and rebuilding of the front and rear walls at 39 Arundel Avenue, Morden, SM4 4DR in accordance with the terms of the application, Ref 21/P2846, dated 26 July 2021 and the plans submitted with it, subject to the attached schedule of conditions.

Procedural Matters and Background

2. The appeal is against a failure of the Council to give notice of its decision on the planning application Ref 21/P2846 within the prescribed period. As such, there is no decision notice. However, the Council's appeal statement sets out that, had they determined the planning application within the time limit, the proposed development would have been considered acceptable, as it would have been in accordance with the policies within the London Borough of Merton's Sites and Policies Plan (2014) and Core Planning Strategy (2011).
3. Based on the submitted evidence and following an assessment of the proposed development during my site visit, I find no reason to disagree with the Council's conclusion that the proposed development is acceptable. The appeal proposal accords with the development plan and no material considerations have been put to me which indicate that the proposed development should be determined otherwise than in accordance with it.

Other Matters

4. An interested party has noted that the proposed development provides an opportunity to help local swifts by including artificial nest sites within the construction. Their comments are available to the appellant, who may consider the introduction of such measures at construction stage.

Conditions

5. I have considered the Council's suggested conditions against the advice provided in the National Planning Policy Framework and Planning Policy Guidance. I have made such amendments as necessary to comply with those documents and for clarity and consistency.
6. In addition to the standard time limit, I have imposed an approved plans condition in the interests of certainty. I have imposed a condition covering external materials in the interests of the character and appearance of the area. A condition limiting the hours of work for construction is also imposed to protect neighbouring residents' living conditions.
7. Bearing in mind the PPG's advice that such conditions are unlikely to meet the tests of reasonableness and necessity, I have not been provided with sufficient evidence as to why it would be necessary to restrict all of the classes of the permitted development rights order. I have therefore declined to impose the suggested condition.
8. As the proposed development would not create a new easily accessible area of flat roof, I have also not imposed the Council's suggested condition which would restrict access to flat roof areas for use as a terrace or amenity area.

Conclusion

9. For the above reasons, and having had regard to all other matters raised, available evidence indicated that the proposed development would accord with the development plan. The appeal is therefore allowed.

B Pattison

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan; 21/8/01 (Ground floor plan as existing); 21/8/02 (First floor plan as existing); 21/8/03 (Front elevation as existing); 21/8/04 (Side elevation as existing); 21/8/05 (Rear elevation as existing); 21/8/06A (Ground floor plan as proposed); 21/8/07 (First floor plan as proposed); 21/8/08A (Second floor plan as proposed); 21/8/09 (Front elevation as proposed); 21/8/10 (Side elevation as proposed) and 21/8/11 (Rear elevation as proposed).
- 3) The facing materials to be used for the development hereby permitted shall be those specified in the application form.
- 4) No demolition or construction work or related ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays-Fridays inclusive, or before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.

END OF SCHEDULE