



Appeal Decision

Site visit made on 7 February 2023

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 06th March 2023

Appeal Ref: APP/T5720/D/22/3307577

63 Mostyn Road, Merton, SW19 3LL.

- 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 and Mrs Soubi Younis against the decision of the Council of the London Borough of Merton.
 - The application Ref 22/P1901, dated 14 June 2022, was refused by notice dated 6 September 2022.
 - The development proposed is described as a ground floor 6m rear and side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a ground floor 6m rear and side extension at 63 Mostyn Road, Merton, SW19 3LL in accordance with the terms of the application, Ref 22/P1901, dated 14 June 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those specified on the planning application form unless otherwise agreed in writing by the local planning authority.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings: 953/001A, 002A, 010, 011, 015A, 020, 021A, 022A and 023A.
 - 4) Access to the flat roof over the extension hereby approved shall be for maintenance purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
 - 5) No demolition or construction work or ancillary activities such as deliveries shall take place outside of the following hours 8am to 6pm Mondays to Fridays and 8am to 1pm on Saturdays nor at any time on Sundays or Bank Holidays.

Main Issues

2. I consider the main issues to be:
 - a) the effect of the proposed development on the architectural integrity of the host property and the visual amenity of the street scene; and,

b) the effect of the proposal on the living conditions of the neighbouring occupiers at number 61 Mostyn Road in terms of the extension's potential to increase the sense of enclosure and result in a loss of light, loss of outlook and overshadow.

Reasons

Character and appearance

3. The appeal property, 63 Mostyn Road is a two-storey semi-detached dwelling. In addition to an attached outside W.C there is a conservatory addition to the rear of the house and a pitched roof detached garage built to the rear of the dwelling on the line of the common boundary to the neighbouring property.
4. Following the demolition of the conservatory, W.C. and detached garage the appellants propose the construction of a single storey rear and side addition.
5. The proposed rear extension, that would be of a simple contemporary flat roof design, would extend virtually across the full width of the rear garden thereby linking to the proposed side addition. It would be some 3.5 metres in height and project about 6.0 metres into the rear garden from the original rear wall of the host property.
6. In my judgement, given its three-dimensional form and design, and notwithstanding its height and depth, it would appear as a subservient addition to the dwelling.
7. I appreciate that the addition would be of a contrasting contemporary rather than a matching vernacular design. Nevertheless, in my opinion, it would appear as a well-mannered addition to the host property.
8. Further, as the side extension would be set well back from the street façade of the dwelling, I am not persuaded that it would appear unduly prominent, visually dominant or intrusive to the site and surrounding area as advanced by the Council.
9. For the foregoing reasons I conclude in respect of the first main issue that the proposed development would not cause harm to the architectural integrity of the host property or the visual amenity of the street scene. It would therefore accord with the objectives of Policy D3 of the London Plan (Adopted March 2021) (London Plan), the London Borough of Merton LDF *Core Strategy* (Adopted July 2011) (CS) Policy CS14 and Policies DMD2 and DMD3 of the London Borough of Merton (Part of Merton's Local Plan) *Merton Sites and Policies Plan and Policies Maps* (Adopted 9 July 2014) (LP) as they relate to, amongst other things, the quality of development and the need to compliment the character of the wider area.

Living conditions

10. The proposed rear addition would be offset from the boundary to number 61 by about 50mm and its flank wall would be 6.0 metres long and about 3.5 metres high.
11. Number 61 has a large rear facing bay window. As the new flank wall would be some 1.7 metres taller than a typical 1.8 metre garden fence I consider that there would be some limited loss of outlook from the side window of the bay facing the common boundary and an increased sense of enclosure. However, the rear garden is some 30 metres in depth. Accordingly, there would still be extensive views from this window. I do not believe therefore that the proposed addition would have a significantly harmful impact on outlook or increased sense of enclosure.

12. I acknowledge that due to the height of the extension there would be some, albeit limited overshadowing. However, in my opinion this would not be significantly more than that caused by the existing conservatory to be removed and a typical boundary garden fence.
13. Further, in my judgement, given the size of the bay window and the open rear garden I do not consider that the proposed extension would result in a harmful loss of light to the room served by the bay window.
14. The proposed extension would reduce the gap between the flank walls of numbers 63 and 65 Mostyn Road to about half the current distance, which I understand from the evidence to be about 3.5 metres. Nevertheless, given the position of the neighbour's outbuilding I consider that any harmful impacts from the proposed extension would thereby be mitigated.
15. For the above reasons I conclude in respect of the second main issue that the proposed development would not cause significant harm to the living conditions of the occupiers of number 61 and 65 Mostyn Road in the terms identified by the Council. It would therefore accord with the aims of Policy D3 of the London Plan, CS Policy CS14 and LP Policies DMD2 and DMD3 as they seek, along with other things, to protect residential living conditions.

Other Matters

16. I understand from the evidence before me that part of the land on which the proposed addition would be built is subject to a Deed of Grant giving each occupier of 63 and 65 Mostyn Road mutual rights of way over what is currently joint site access. This however is not a planning matter and is outside of the scope of this appeal. Accordingly, I can give this matter no weight in my consideration of the appeal before me.

Conditions

17. The conditions follow from those suggested by the Council. To ensure a high quality development, I shall include a condition about the materials to be used in the construction of the external surfaces of the building.
18. Furthermore, to protect neighbours' living conditions, I shall restrict, by condition, the use of the flat roof to maintenance or emergency purposes only and the times when demolition and construction can be undertaken.
19. In the interests of certainty, I shall impose a condition requiring the development to be undertaken in accordance with the approved plans.

Conclusions

20. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Philip Willmer

INSPECTOR