



Appeal Decision

Site visit made on 15 February 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 MARCH 2023

Appeal Ref: APP/T5720/D/22/3308128

27 Blenheim Road, Raynes Park, London SW20 9BA

- 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 A Newaz against the decision of the Council of the London Borough of Merton.
 - The application Ref 21/P4284, dated 2 December 2021, was refused by notice dated 17 August 2022.
 - The development proposed is first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension at 27 Blenheim Road, Raynes Park, London SW20 9BA in accordance with the terms of the application, Ref 21/P4284, dated 2 December 2021, 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 development hereby permitted shall be carried out in accordance with the following approved plans: 247/EX/02/B, 247/S0/02/D, 247/EX/01/B and 247/EX/01/C.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matter

2. A third party has referred to new and enlarged side-facing windows having been installed at the appeal property. However, the proposed drawings do not indicate that these form part of the development and I have determined the appeal based on these.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the dwelling and area; and
 - the living conditions of the occupiers of numbers 25 and 29 Blenheim Road (No 25 and No 29).

Reasons

Character and appearance

4. The appeal site is an attractive detached dwelling situated in the predominantly residential area of Blenheim Road. The dwellings along Blenheim Road are varied in type, style and design but are typically large, detached dwellings with generous plots. The alignment of properties along the road is irregular and staggered. As such, No 29 is sited forward of the appeal dwelling and No 25 is located rearward of it.
5. Whilst I recognise the concerns with the previous scheme dismissed at appeal, the small set in of the walls and first-floor roof, and the inclusion of small dormer windows integrated into the proposed upper floor roof, would mean that the proposed development would not be dominant in relation to the original dwelling. There would be a large area of crown flat roof, but the proportions, materials and form of the proposed roofs would align with each other and reflect the roof design of the existing dwelling and dormer, and the proposed windows would relate to the symmetry, proportions, and alignment of the existing ground floor patio doors. Therefore, the form of the proposed development would respect the architecture of the existing dwelling.
6. Whilst the projection of the extension would be the same as the previous proposal, the changes to the design have reduced its overall scale. The proposed extension, when combined with the existing rear ground floor and dormer extensions and an existing outbuilding, would lead to a significant amount of development within the plot compared to the original dwelling. However, as the appeal site comprises a large, detached dwelling within a generous plot and the proposal includes design measures to reduce its dominance, the scale and mass of the proposed extension would not be disproportionate.
7. In dismissing the previous appeal, the Inspector referred to the entire original rear elevation being significantly extended, and the lack of any further articulation or insets, combined with the overall massive scale of the scheme, in concluding that it would create a dominant, discordant and incongruous addition. As set out above, these matters have been addressed in the current proposal.
8. Due to the staggered alignment of the dwellings, the proposed extension would be visible from a small part of Blenheim Road. Given the particular design and the use of materials to match the existing dwelling, which can be secured via a condition, the proposed extension would not be incongruous or conspicuous in the street scene.
9. Consequently, I conclude that the development would not harm the character and appearance of the dwelling and surrounding area. It would comply with Policy D4 of The London Plan 2021, Policy CS 14 of the London Borough of Merton LDF Core Planning Strategy 2011 and Policies DM D2 and DM D3 of the Merton Council Sites and Policies Plan and Policies Maps 2014. Together, these require extensions to respect the design, form, scale, bulk, proportions and external materials of the original building and the character and appearance of the wider setting. The proposal would also be in accordance with the National Planning Policy Framework (the Framework) which requires development to be sympathetic to local character.

Living conditions

10. The proposed development would extend beyond the rear elevation of No 29 by a similar amount to the previous proposal. However, the gap between the properties, the presence of an existing outbuilding at No 29, taken together with the set in of the proposed extension and its design, would ensure that the proposal would not be overbearing or cause undue overshadowing or loss of daylight to the occupiers of No 29.
11. In respect of No 25, I acknowledge the findings of the previous Inspector and I accept that the proposed extension would be of a similar height to the previous scheme and would be visible from the side-facing bedroom windows of No 25. However, the spacing between No 25 and the proposed extension, including the set in of the extension from the side wall, its design, and the apparent secondary nature of the side-facing windows to No 25, mean that the extension would not be harmful in terms of overbearing, loss of natural light or visual intrusion to the occupiers of No 25.
12. Overall, I conclude that the proposal would not adversely affect the living conditions of the occupiers of No 25 and No 29 Blenheim Road. It would comply with Policy DM D2 of the Merton Council Sites and Policies Plan and Policies Maps 2014 which requires development to ensure provision of appropriate levels of sunlight and daylight, and quality of living conditions, and to protect existing development from visual intrusion. It would also be in accordance with the Framework which requires decisions to ensure safe and healthy living conditions.

Other Matters

13. I note the third party comments regarding swifts. However, the Council have not raised any concerns nor requested the imposition of a condition in this respect. I have no technical evidence before me to come to a different conclusion.

Conditions

14. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty. To protect the character and appearance of the area, I have also imposed a condition requiring that the external materials used in the construction of the extension will match those of the existing building.
15. I have considered the condition suggested by the Council to restrict the use of the flat roof against the tests set out in the Framework. As the flat roof would only be accessible via windows, would contain three rooflights and there are no other indications that it would be used as a roof garden, I do not consider that such a condition would be necessary.

Conclusion

16. For the reasons given, I conclude that the proposal would accord with the development plan and the Framework, and therefore the appeal is allowed.

A Wright

INSPECTOR