



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: 20 MARCH 2023

Appeal Ref: APP/T5720/D/22/3310925

9 Nelson Road, South Wimbledon, Merton, London SW19 1HS

- 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 Ivan Ivanov against the decision of the Council of the London Borough of Merton.
 - The application Ref 22/P2024, dated 29 June 2022, was refused by notice dated 24 August 2022.
 - The development proposed is first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of No 7 Nelson Road (No 7) with particular regard to outlook and light.

Reasons

Character and appearance

3. The appeal site comprises a two-storey dwelling located within a residential area where terraced properties are prevalent. The house faces Nelson Road and abuts Trafalgar Road in a prominent corner location at the end of a terrace of properties with small rear gardens. The other dwellings in the terrace and along this part of Trafalgar Road have a mix of rendered, brick and pebbledash walls.
4. The appeal property has a relatively limited rear garden depth and large existing rear ground floor and dormer extensions. Added to the existing extensions and given the limited space at the rear, the first-floor addition on a corner site, close to the road, would be particularly conspicuous in views from Trafalgar Road and the junction with Nelson Road. Due to its location, materials and flat roof design, the proposed extension would not provide a visual link to the properties fronting Trafalgar Road and would be detrimental to the street scene.
5. I note that the proposed materials and set back of the proposed development are intended to provide a modern, visual contrast to the extensive rendered

walls of the appeal property and to mitigate the bulk of the proposed extension on the street elevation. However, its irregular shape, and the introduction of contrasting materials and window proportions, would result in a prominent and discordant addition to the dwelling and street scene.

6. Whilst the proposal may improve the quality and provision of accommodation at the dwelling, this would not outweigh the harm that the development would cause to the character and appearance of the area.
7. I have been referred to other examples of two storey extensions in the vicinity. At my site visit, I observed that these are designed to integrate with the host dwellings by including pitched roofs, matching materials, and traditionally proportioned upper floor windows. As such, I do not find them comparable to the appeal proposal.
8. Overall, I conclude that the development would harm the character and appearance of the area. This would be contrary to 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. It would also conflict with the National Planning Policy Framework (the Framework) which requires development to be sympathetic to local character.

Living conditions

9. The proposed development would be located to the south of No 7. It would project a significant depth from the existing first floor rear wall and the proposed angled window would result in further mass at first floor level. Whilst the extension would be set back from the joint boundary, its width, depth and design, with a flat roof extending from just under the gutter line, would appear as a significant structure. Therefore, due to its design and siting, and having regard to the orientation of the appeal site in relation to the neighbouring property, the extension would result in a harmful loss of sunlight and daylight to the rear first floor rooms and small garden of No 7.
10. I appreciate that some Councils have guidelines for the design of house extensions set out in a supplementary planning document that refer to the 45-degree rule. However, this is not the case here and the evidence that the extension would not break the 45-degree line does not change my concerns about the effect of the extension on the living conditions of No 7.
11. Nevertheless, because of the presence of existing extensions at ground floor level and the set back of the proposal from the joint boundary, the development would not dominate the outlook from No 7.
12. There are other two-storey extensions in the vicinity. However, their impact on the living conditions for occupiers of neighbouring properties is not comparable to the appeal proposal given their different locations, design, and orientation relative to neighbouring dwellings.
13. Consequently, I conclude that the proposal would adversely affect the living conditions of the occupiers of No 7 Nelson Road with particular regard to light but not in relation to outlook. This would be contrary to 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 to protect the living conditions of existing occupiers. It would also conflict with the Framework which requires decisions to ensure safe and healthy living conditions.

Conclusion

14. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

A Wright

INSPECTOR