



Appeal Decision

Site visit made on 7 February 2023

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 April 2023

Appeal Ref: APP/T5720/D/22/3311047

1 Avenue Road, Streatham, London SW16 4HJ

- 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 G Rasool against the decision of the Council of the London Borough of Merton.
 - The application Ref 22/P2462, dated 10 August 2022, was refused by notice dated 5 October 2022.
 - The development proposed is the erection of single/two storey side and rear extensions (amendments to planning permission 20/P2739).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On my site inspection I saw that the proposed development had been substantially completed, although there are some inconsistencies between the proposed plans and the built situation relating to the fenestration, the overhang at eaves level and an additional single storey rear extension part. Consequently, I have assessed the appeal against the proposed plans.
3. I note that the appeal property has a rear dormer window and that both parties have referred to this as being permitted development. I also note that there is an outbuilding in the rear garden, which the Council has stated is the subject of an enforcement investigation, that outbuilding is not part of the appeal proposal. The appeal has been determined on this basis.

Main Issues

4. The main issues are the effect of the proposed development upon:
 - The character and appearance of the host property, the terrace of dwellings it forms part and the area, with particular regard to its scale and design; and,
 - The living conditions of neighbouring occupiers, with particular regard to the effect upon privacy for the occupiers of No. 3 Avenue Road in respect of the proposed rear balconies.

Reasons

Character and appearance

5. No. 1 Avenue Road is a pitched roof end terraced property, located in an area that is characterised by mainly two storey pitched roof terraced properties. From within the rear garden of the appeal site, the rear elevations of similar terraced properties, which face onto Rowan Road, along with the rear sides of properties facing Northborough Road to one side, are visible.
6. On my inspection, I saw that there were no other first floor extensions to the rear of the terrace of properties, which the appeal property forms part, or to the rear elevations of any surrounding terraced properties. Moreover, rear extensions were mainly at single storey level. As such, at first floor level, a flat roofed design would be completely alien to the strongly defined character of the surrounding pitched roof properties.
7. Although the proposed flat roof first floor extension would be located to the rear of the appeal property, there would nevertheless be views of it from the rear of the other surrounding properties. Moreover, its side elevation would also be visible from Avenue Road, which would be in stark contrast to the appearance of the pitched roof of the host property and the wider terrace it forms part. In addition, the design and appearance of the 2 no. rear balconies would appear as discordant features and add to the already identified harm.
8. The proposed first floor extension would be considerably wide and would project significantly beyond the rear elevation of the appeal property, which would result in its elevated flat roof also being large. As a result, the scale of the proposed first floor extension together with its inappropriate roof design, would be harmful to the character and appearance of the host property, the terrace of dwellings it forms part, and the area.
9. The flat roof single storey rear extension would be acceptable in terms of its scale and design in this location, given its low height, limited impact, and there being other similar rear flat roofed structures in the same terrace of properties. In addition, the proposed side extension would have a pitched roof with a lower ridge height and would be set back from the appeal property's front elevation, ensuring a subservient appearance. The scale and design of these proposals are considered to relate sympathetically to the host property, the terrace, and the area. It is also noteworthy that the Council found similarly in respect of these aspects.
10. To conclude, whilst I find parts of the proposal to be acceptable, these are attached to the parts of the proposals where I have found harm and they do not appear to be severable. Taken as a whole, I therefore conclude that the scale and design of the proposed extensions would be harmful to the character and appearance of the host property, the terrace of properties of which it forms part, and the area in conflict with Policy CS 14 of the London Borough of Merton LDF Core Planning Strategy Adopted July 2011 and Policy DM D2 and Policy DM D3 of Merton's Sites and Policies Plan and Policies Maps, dated July 2014 (SPP), which amongst other things expect new development to be high quality and to respect, reinforce and enhance the distinctive local character of

an area and use appropriate architectural forms that complement the surrounding area.

Living conditions

11. The proposed 2 no. projecting balconies would be at first floor level on the appeal property's rear elevation, they would each include a small outside space surrounded by metal railings; one balcony is proposed on the end elevation of the proposed first floor rear extension (which has been constructed); and one is proposed to be added to an existing bedroom opening on the rear elevation nearest to the boundary with No. 3 Avenue Road. Both balconies would be directly above the proposed flat roof single storey extension.
12. Although these balconies would not be large enough to accommodate occupiers sitting out, they would enable a person to stand and look across the rear gardens of the properties that surround the appeal site, particularly the one at No. 3. Views of these nearby gardens would be at a raised level and would provide the opportunity to purposefully overlook the surrounding private gardens and amenity spaces, from a dominant viewpoint to either side. This level of overlooking would be harmful to the privacy of the private rear gardens of neighbouring occupiers, particularly No. 3 Avenue Road.
13. Whilst the proposed balcony nearest No. 3 would be set behind the proposed first floor extension, it would be closer to the boundary of No. 3 and would allow overlooking of part of No.3's rear private garden. However, due to the position of the proposed balconies in relation to the first-floor windows on No.3's rear elevation, I am not convinced that there would be unacceptable overlooking towards those windows.
14. I note that there is an inward opening door and balustrade on the rear dormer window of the appeal property and that some overlooking of the private rear gardens of surrounding properties is possible, particularly towards No. 3. As well as there being a degree of overlooking from existing windows on the rear of elevations of surrounding properties. However, the proposed balconies would offer increased overlooking and greater opportunity for occupiers to be outside of the appeal property in a dominant position and at a relatively high level, this would significantly increase the level of overlooking towards surrounding gardens, particularly No. 3 Avenue Road.
15. The appellant has suggested that privacy screens could be used to mitigate overlooking and a condition be imposed accordingly. However, given the location of these balconies and the views available from them, privacy screens would not be a practical solution to mitigate the overlooking and privacy objections in this case.
16. I therefore conclude that the proposed balconies would cause unacceptable overlooking that would result in a loss of privacy and be harmful to the living conditions of surrounding occupiers. In doing so, I find the proposal would be contrary to Policy D3 of The London Plan, The Spatial Development Strategy for Greater London, adopted March 2021, and Policy DM D2 of the SPP, which amongst other things require new development to provide an appropriate level of privacy to adjoining occupiers.

Other Matters

17. I note that planning permission has been granted for extensions to the side and rear of the appeal property following an application in 2020, however this proposal differs from that permission, for amongst other reasons the design of the rear first floor extension, the increased size of the single storey extension and the proposed rear balconies. That earlier planning permission, which the appellant may still be able to implement, does not outweigh the harm identified above.
18. The appellant's comments that the appeal property is not listed or within a Conservation Area are noted. However, these are neutral matters which neither weigh in favour or against the proposal.
19. The appellant has argued a flat roof will enable the first-floor extension to be more subservient. I am not persuaded by this argument, and it has not altered my conclusions on the appeal proposal.

Conclusion

20. For the reasons outlined above, the proposed development conflicts with the development plan taken as a whole. There are no other considerations which indicate a decision other than in accordance with the development plan. I therefore dismiss the appeal.

A Hunter

INSPECTOR