



Appeal Decisions

Site visit made on 19 June 2023

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 July 2023

Appeal A Ref: APP/T5720/D/23/3320513

36 Biggin Avenue, Mitcham, Merton CR4 3HN

- 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 Marouf Malik against the decision of the Council of the London Borough of Merton.
 - The application Ref 23/P0331, dated 2 February 2023, was refused by notice dated 29 March 2023.
 - The development proposed is a ground floor part front extension and a side first floor extension.
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Appeal B Ref: APP/T5720/D/23/3320514

36 Biggin Avenue, Mitcham, Merton CR4 3HN

- 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 Marouf Malik against the decision of the Council of the London Borough of Merton.
 - The application Ref 23/P0332, dated 2 February 2023, was refused by notice dated 29 March 2023.
 - The development proposed is a ground floor part front extension, side first floor extension and a roof extension.
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Appeal C Ref: APP/T5720/D/23/3320515

36 Biggin Avenue, Mitcham, Merton CR4 3HN

- 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 Marouf Malik against the decision of the Council of the London Borough of Merton.
 - The application Ref 23/P0333, dated 2 February 2023, was refused by notice dated 29 March 2023.
 - The development proposed is a ground floor part front extension, side first floor extension and a roof extension.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.
3. Appeal C is dismissed.

Procedural Matter

4. As set out above there are three appeals on this site. They differ in regard to the extent of the proposals. I have considered each proposal on its individual merits, but to avoid duplication, I have dealt with the three schemes together, except where otherwise indicated.

Main Issues

5. The main issues in all three appeals are the effect of the proposal on:
 - The character and appearance of the host property, the semi-detached pair, and the area; and
 - The living conditions at 3 Camomile Avenue, with particular regard to outlook.

Reasons

Character and appearance

6. Camomile Avenue and Biggin Avenue form a cul-de-sac, where the houses are set back from the partially tree-lined, narrow carriageway, in two storey semi-detached pairs or short terraces. The buildings mainly have a hipped roofed form, although some of the semi-detached properties here, and on nearby Lavender Avenue, have one dominant central front gable, or smaller gables which bookend the pair. The buildings are finished in a common palette of light render, brickwork and tiles.
7. Notwithstanding the findings in the Merton Character Study, which broadly describes the 'cul-de-sac typology' as being varied, I concur with the Inspector in appeal reference APP/T5720/W/20/3245908, that these characteristics, along with the buildings' similar size and style, give this cul-de-sac a locally distinctive sense of symmetry and cohesion.
8. The houses at 35 and 36 Biggin Avenue ('No 35' and 'No 36') form a semi-detached pair, which share a dominant and characteristic front gable, with slightly lower hipped roofed sections either side. No 36 also has a single-storey flat-roofed side extension, whose angled side face is set back slightly from the boundary with 3 Camomile Avenue ('No 3').
9. The three schemes include identical elements – an extension to the front of the existing single storey side extension to bring it in line with the remainder of the property's front face; a first floor extension above; and a raised section of roof. The schemes' front elevation would also include a two storey gable, which would reflect the height and width of the pair's central gable.
10. Given the elevated position of the proposed raised roof, and the presence of the central gable, any difference in pitch between No 36 and No 35 would not be very visible at street level. However, that raised roof, combined with the large end gable, would give these schemes a very significant bulk. As the front face of the proposed first floor side extension would almost equal the length of the original property, and would not be set back or set down, it would appear out of proportion, and not subordinate to it.

11. It would also unbalance the appearance of this semi-detached pair; and the resultant building with its large central gable, similarly sized end gable, and equally tall roof in between, would not reflect the fairly cohesive form and layout of the other buildings in this locally distinctive area.
12. The appellant has directed me to other development in the vicinity, including examples of adjacent properties with different roof heights, such as 20 and 21 Biggin Avenue; and an extension at 2 Camomile Road which has resulted in an additional property at No 2A, thereby changing that semi-detached house into a short terrace. However, I have found that, in isolation, the differing roof heights here would not be harmful; and the example at No 2 and 2A is not typical of the area.
13. The other examples cited in the Design and Access Statement are not on these two roads, and whilst they include raised roofs, sometimes to just one half of a semi-detached pair, considered as a whole, none appear to have a similarly bulky form, with large central and end gables, as would be the case for this pair.
14. The schemes would be finished in materials to match the host. Tall landscaping also limits the visibility of this pair in the streetscene, although I cannot be certain that it will always be retained. Nevertheless, for the above reasons, on this prominent corner plot, the proposed side extension and the raised roof in all three schemes would harm the character and appearance of the host property and the area, and would unbalance this semi-detached pair.
15. Appeals B and C also include dormers. Given their rearward location, these would be barely visible, if at all, in the streetscene, and I did observe a scattering of other rear dormers nearby. That said, both proposed dormers would be a considerable size, covering most of the host's original rear roof and, in the case of Appeal C, most of the extended roof too.
16. Given their bulk and mass, the dormers in Appeals B and C would add to the harm that I have found to the character and appearance of the host and the area, and they would further unbalance this semi-detached pair.
17. Amongst other things, and in general terms, Policy CS 14 of the Merton Core Strategy 2011 ('MCS'), Policies DM D2 and DM D3 of the Merton Sites and Policies Plan 2014 ('MSPP') and Policy D4 of the London Plan 2021 ('LP') require proposals to enhance the local context and respond to local distinctiveness, with regard to matters including rhythm and character; and to respect the form, scale, bulk and proportions of the original building. For the above reasons Appeals A, B and C would all conflict with that approach.

Living conditions

18. The north-facing side elevation of No 3 contains only a glazed door, and there are no windows in the floor above. Views from that door of the proposed side elevation of all three schemes would be limited due to an existing shed and boundary treatment. Additionally, that proposed elevation would be set back some distance from the door, with an intervening driveway, and it would be offset at an angle to it.
19. The rear elevation of No 3 broadly faces the end of No 36's rear garden, with the proposed side extension set well-off to one side. Consequently, I am not

persuaded that the proposed side extension would be clearly visible from its windows. Whilst the proposed rear dormers in Appeals B and C would be visible from those windows and from No 3's rear garden, they would also be off-set to the side and located high up on the building. Consequently, the dormers would not be visually intrusive or have a significant overbearing impact.

20. As the proposed side extension would be located on the opposite of the host building from No 35 it would not cause overlooking, loss of light, or a loss of privacy for those occupiers.
21. Summing up, Appeals A, B and C would not have a significant impact on the outlook from No 3, and they would not affect adjacent occupiers' living conditions to a harmful degree. On this issue, the schemes would not therefore conflict with those parts of LP Policies D3 and D4, MCS Policy CS 14, or MSPP Policies DM D2 and DM D3, which require high quality design that does not negatively impact amenities with regard to matters including outlook and visual intrusion.

Other matters

22. I note the appellant's frustration with the Council's handling of these schemes, and previous applications. However, I have dealt with the proposals before me on their planning merits.
23. In their favour, the schemes would provide enhanced living conditions for the large family at No 36, including a lift to provide easy first floor access for a disabled resident. In that regard they find a limited measure of support from the National Planning Policy Framework and from development plan policies which support good living conditions, and which encourage intensification of the use of land.

Conclusion

24. I have found that Appeals A, B and C would not harmfully impact the living conditions at 3 Camomile Avenue, but that all three would cause significant harm to the character and appearance of the host property, the semi-detached pair, and the area.
25. The schemes' limited public benefits would not outweigh the significant harm that they would cause. All three schemes would therefore conflict with the development plan when considered as a whole. Having regard to all other matters raised, I consequently conclude that Appeals A, B and C should not succeed.

Chris Couper

INSPECTOR