



Appeal Decision

Site visit made on 27 June 2023

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 31st July 2023

Appeal Ref: APP/T5720/D/23/3317628

92 Hamilton Road, South Wimbledon, Merton, London, SW19 1JF.

- 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 Rishi Naidoo against the decision of the Council of the London Borough of Merton
 - The application Ref 22/P3312, dated 6 November 2022, was refused by notice dated 3 January 2023.
 - The development proposed is described as single storey side and rear extension with x4 rooflights and concealed box gutter, removal of existing external staircase and extension of the rear terrace on first floor level.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side and rear extension with x4 rooflights and concealed box gutter, removal of existing external staircase and extension of the rear terrace on first floor level. at 92 Hamilton Road, South Wimbledon, Merton, London, SW19 1JF in accordance with the terms of the application, Ref 22/P3312, dated 6 November 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 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: 92HR-PL-0B, 0A, 01, 02, 03, 04, 05, 06, 07, 08, 09, 09 (dated 21.09.2022), 92HR-GF-01/Rev B, GF-Rev B and 92HR-FS-00.

Main Issue

2. The Council have found that the proposal would not cause harm to the architectural integrity of the host property, the terrace of which it is part or the character or appearance of the area. From what I have seen and read I would not disagree.
3. I therefore consider the main issue to be the effect of the proposed side extension on the living conditions of the occupiers of 90 Hamilton Road in terms of its potential to appear visually dominant and result in a loss of light to the rooms served by the ground floor side and rear windows.

Reasons

4. The appeal property, 92 Hamilton Road, is a mid-terrace two-storey dwelling.
5. The appellant proposes a single storey side and rear extension, following the removal of existing external staircase, a smaller rear extension and existing roof terrace over.
6. The proposed side addition would be built up to the boundary to number 90 Hamilton Road. The current boundary being a high close boarded fence. The proposed mono-pitched roof would slope up and away from boundary line, abutting the flank wall of the existing two-storey rear outshot just above first floor level.
7. While having regard to the current boundary treatment, location and height of existing two-storey extension and considering the location of the side extension, its height and three-dimensional form, I am not persuaded on the limited evidence submitted that the proposed side extension would result in an unreasonable increased sense of enclosure toward the side return area of 90 Hamilton Road. Further, it would not, in my judgement, be visually dominant or lead to a significant loss of light when viewed from the ground floor side and rear windows.
8. I therefore conclude in respect of the main issue that the proposed extension would not, as suggested by the Council, cause significant harm to the living conditions of the occupiers of 90 Hamilton Road in terms of appearing visually dominant or resulting in a loss of light. The development would therefore accord with the objectives of Policies DM D2 and Merton Sites and Policies Plan and Policy Maps (Part of Merton's Local Plan) (Adopted 09 July 2014) as, along with other things, it seeks to protect residential living conditions.

Other Matters

9. I have received a request to condition a requirement for Swift bricks or boxes to be built into the new construction, if I am minded to allow the appeal. However, given the single storey nature and location of the proposed addition I do not consider such a condition would be appropriate in this case. Nevertheless, by reason of this appeal the appellant will now be aware of the submission made to the Council in this respect.

Conditions

10. 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.
11. In the interests of certainty, I shall impose a condition requiring the development to be undertaken in accordance with the approved plans.

Conclusions

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

Philip Willmer

INSPECTOR