



Appeal Decision

Site visit made on 13 June 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2023

Appeal Ref: APP/T5720/W/22/3312465

153 Streatham Road, Merton, Mitcham CR4 2AG

- 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 Thambimuthu Gobalakrishnan against the decision of the Council of the London Borough of Merton.
 - The application Ref 22/P2156, dated 12 July 2022, was refused by notice dated 27 September 2022.
 - The development proposed is first floor rear extension to flats 153A and flat 153B with attached external private amenity above the roof of shop of 153. Removal of 3 existing rear roof dormers to flat 153B and replace with 1 rear roof dormer.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I understand that amended plans were submitted to the Council the day before the planning application was refused, seeking to address comments from the Council's case officer. However, based on the evidence before me, it appears that the planning application was determined based on the original submitted plans. Due to the evidence being submitted at a late stage and interested parties potentially being deprived of the opportunity to comment, basing my decision on the amended plans would in all likelihood contravene the *Wheatcroft Principles*¹. Accordingly, I have based my assessment of the appeal on the plans determined by the Council, as listed in the decision notice.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the area.
 - The living conditions of neighbouring occupiers at No 151A Streatham Road, with particular regard to outlook and sunlight.

Reasons

Character and appearance

4. The appeal site comprises a 2-storey end-terrace building with accommodation in the roof space. It lies on the corner of Streatham Road and Elmhurst Avenue, with its side elevation extending to the edge of the Elmhurst Avenue footway. The site sits within a small shopping parade, with the ground floor

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

comprising a retail use fronting Streatham Road. The first and second floors are in residential use as 2 flats.

5. The appellant has queried the Council's reference in its decision notice to the effects on the Streatham Road streetscene, on the basis that the development is to the rear, while the front remains unchanged. The Council maintains that due to the position adjacent to a wide junction, the proposal would be visible from Streatham Road, although the Council concede that the Elmhurst Avenue streetscene could have been added to the refusal wording. The refusal reason is worded in such a way that it refers generally to the effects of the proposal on the surrounding area. Although the Streatham Road streetscene is specifically referenced, it is not read as being the only area of concern. The Council's response serves to clarify this matter and, to my mind, does not alter the refusal reason.
6. The proposed development would comprise a substantial flat-roofed extension to the rear first floor. It would extend along the site boundary with the edge of the highway and would be prominently visible from Streatham Road via the junction with Elmhurst Avenue, and from Elmhurst Avenue itself. The frosted glass screening to the amenity area to the rear and side elevations would add additional bulk to the overall structure, and cumulatively it would appear dominant and incongruous with the effects being exacerbated by its highly visible position. Even though the development is to the rear of a commercial unit, which currently incorporates various utilitarian features including exposed plant, the rear elevation faces a predominantly residential area and for the reasons outlined above it would have an adverse effect on the area's character and appearance.
7. The general scale and appearance would somewhat reflect the existing first floor projection to the rear of No 155 Streatham Road, on the opposite side of Elmhurst Avenue. There are also several examples of other similar developments in the wider vicinity of the site, some of which include external amenity areas with glazed balconies similar to that proposed. However, given the harm I have identified, the mere presence of these features does not lend any significant support to the proposals. Moreover, I have seen no relevant planning decisions that would weigh in favour of the proposals.
8. The property currently has 3 separate dormer windows to the rear elevation which are prominently visible from the adjacent street. The proposed development would replace these with one larger dormer window covering much of the rear roof slope. This would comprise a significant addition to the rear roof slope which would further add to the overall massing of the proposed development and appear overly dominant. I note the nearby examples of rear dormer windows in the area, including examples of multiple dormer windows side-by-side to create a greater overall massing than is proposed. However, I am provided with no specific details of any relevant planning decisions or other considerations that would weigh in favour of the proposals.
9. Cumulatively, the proposals would result in a development of significant overall scale in a prominent raised position above the adjacent street and surrounding viewpoints that would appear dominant in the context of the surroundings. The use of similar materials to the existing building would not overcome this harm. The appellant also notes that the external scale of the development is necessary to meet internal space standards. Whilst there appears no dispute

that the proposals would deliver acceptable internal space standards, and the proposals may improve the quality of accommodation for occupants, given the harm previously identified this would provide only limited weight in favour of the proposals.

10. The proposed development, by reason of its design, position, bulk and massing, would have a harmful effect on the character and appearance of the area and conflict with Policy D3 of the London Plan – March 2021 (the LP), Policy CS.14 of the London Borough of Merton LDF Core Planning Strategy – Adopted July 2011, and Policies DM D2 and DM D3 of the Sites and Policies Plan and Policies Maps – Part of Merton’s Local Plan – 09 July 2014 (the SPP). Together these policies seek, among other objectives, to make the best use of land following a design-led approach, for development to respect, reinforce and enhance the local character of the area in which it is located, to achieve high quality design, and for alterations and extensions to respect and complement the form, scale, bulk, and proportions of the original building.

Living conditions

11. The proposed first floor extension would be set back from the boundary with the adjoining property at No 151 Streatham Road. This set-back would be sufficient to retain a rear-facing window on the existing first floor rear elevation adjacent to the boundary, which would serve a bedroom of flat No 153B.
12. The adjoining first floor unit, referenced in the submitted evidence as No 151A Streatham Road, has a rear-facing window close to the site boundary. Although it is not known which room is served by this window, it is a relatively large window that appears to be significantly wider than many of the existing rear-facing windows in the terrace.
13. The proposed first floor rear extension would, in all likelihood, extend to a depth where it would be visible from the window of the adjacent property. However, the main structure of the extension would not extend to the full 8 metre depth cited in the Council’s officer report. The rearmost section would contain only the external amenity area and screening, which would sit at a lower height and would also be set in slightly from the main side elevation of the extension, thus reducing the extension’s massing at its rearmost point. Based on the position of the adjacent window and its size, the depth of the proposed extension and its set-back from the boundary, the proposed development would not have an unacceptable effect on the outlook afforded to No 151A Streatham Road.
14. With regard to sunlight, the appeal site sits to the north/northeast of No 151A. Whilst I am provided with no technical reports to assess the effects on sunlight for No 151A, due to the orientation of the property and the position of the extension, any effects would appear to be negligible. The proposals would have no effect on sunlight to No 151A from the south or southeast, with the potential for very limited effects in relation to sunlight from the east. Accordingly, I do not find the proposals would have an unacceptable effect on the sunlight afforded to No 151A Streatham Road.
15. For the above reasons, the proposed development would provide acceptable living conditions for the neighbouring occupiers at No 151A Streatham Road with regard to outlook and sunlight, which would comply with Policy D3 of the LP, and Policies DM D2 and DM D3 of the SPP, which together seek, among

other objectives, to deliver appropriate outlook, privacy and amenity, and levels of sunlight and daylight for existing and proposed occupiers.

Other Matters

16. The appellant alleges that the Council's approach to determining the application was not proactive or positive, and that changes were made to the scheme shortly following receipt of comments that were not accepted by the Council prior to determination of the application. It is also contended that the Council have failed to be proactive in supporting a scheme that could contribute to London's housing needs.
17. I have previously addressed the matter relating to the submission of revised plans, and whilst there appears to be disagreement between the parties regarding the Council's approach, I must consider the appeal against the plans on which the decision was based. I acknowledge that no neighbours objected to the proposals and, whilst the proposal would not provide a net increase in residential units, it may improve the standard of accommodation for the existing dwellings forming part of the appeal site. This would be of some benefit. However, given the harm previously identified, such benefits would be limited.

Conclusion

18. Whilst I have identified no harm with regard to the living conditions of neighbouring occupiers, the proposed development would harm the character and appearance of the area. It would therefore conflict with the development plan as a whole, and there are no material considerations that would lead me to a decision other than in accordance with the development plan. Accordingly, for the reasons outlined above, the appeal should be dismissed.

P Storey

INSPECTOR