



Appeal Decision

Site visit made on 17 August 2023 by N Unwin BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2023

Appeal Ref: APP/T5720/D/23/3317907

21 Hawkes Road, Merton, Mitcham CR4 3JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Ryan Zammit against the decision of the Council of the London Borough of Merton.
 - The application Ref 22/P3745, dated 23 December 2022, was refused by notice dated 30 January 2023.
 - The development proposed is described as a 'single storey ground floor extension 6m depth, 5.032m wide, flat roof height 3m from existing external floor level, 300mm parapet wall on top to height of 3.3m.'
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
4. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions that are applicable to such permitted development. Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of any adjoining premises, considering any representations received.

Main Issue

5. The effect of the proposal on the living conditions of the occupiers of 19 Hawkes Road, with specific regard to outlook and levels of daylight and sunlight.

Reasons for the Recommendation

6. The appeal dwelling adjoins No. 19, a two-storey property of a similar scale. There is a window and large glazed double doors within the ground floor rear elevation of No. 19. The rear garden is narrow and elongated, with an open aspect to the south. The area closest to the rear elevation of the dwelling contains a table and chairs, indicating that it is utilised for outdoor recreational purposes. There is no variation between the rear building line of No. 19 and that of the main body of the appeal property. A small, flat roofed extension projects modestly beyond the rear elevation of the appeal property and above the boundary fence with No. 19.
7. The proposal would be significantly larger than the existing rear extension, with its approximate height of 3.3 metres including the parapet wall, protruding substantially above the boundary fence. When combined with its considerable projection, approximately 6 metres along the boundary of No. 19, the proposal would create a large expanse of unbroken wall adjoining the shared boundary. Given the narrow nature of the rear garden, the proposal would appear prominent and unacceptably overbearing when viewed from the rear glazed doors and window of No. 19, and the area of garden closest to them.
8. Due to the elongated form of the rear garden of no. 19, the majority of daylight and sunlight is obtained from the open southern aspect, with little received from the direction of the proposal. Consequently, the proposal is unlikely to have an unacceptable impact on the levels of daylight and sunlight received by the rear ground floor openings and garden area of No. 19.
9. The Council has assessed the impacts of the proposal on the living conditions of the occupants of No. 23, raising no concerns. There is no compelling evidence to support an alternative view. Whilst the proposal would not result in an unacceptable reduction in daylight and sunlight to the occupiers of No. 19, it would have an unacceptable impact on the outlook of the occupiers of No. 19 for the reasons set out. This would accordingly result in the proposal failing to comply with the limitations and exceptions of the aforementioned part and class of the GPDO.
10. Insofar as they are material to the main issue, this would also result in conflict with Policy CS14 of the London Borough of Merton LDF Core Planning Strategy 2011, and Policies DM 2 and DM 3 of the Sites and Policies Plan and Policies Maps 2014, which broadly require new development to ensure the quality of living conditions for neighbouring residents.

Other Matters

11. The lack of objection from the occupiers of No. 19 does not in itself justify allowing the proposal, which I have found to be otherwise harmful. The additional living space provided by the proposal would carry limited weight due to the private nature of the benefit. The appellant has also referred to other approvals for extensions. As I have not been supplied with any further details I cannot, as a result, be certain that the balance of considerations in those cases was the same as the appeal scheme. In any event, the scheme before me seeks prior approval for an extension under the permitted development regime which requires compliance with explicit criteria rather than a balance of harm and/or development plan conflict with material considerations as would be the case of one seeking express planning permission.

Conclusion and Recommendation

12. For the reasons given above, the appeal scheme would not satisfy the explicit limitations and exceptions of the above mentioned legislative provisions. The appeal should therefore be dismissed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's report and, on that basis, I dismiss the appeal.

John Morrison

INSPECTOR