



Appeal Decision

Site visit made on 31 October 2023

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th November 2023

Appeal Ref: APP/T5720/D/23/3322917

58 Abbotsbury Road, Merton, Morden SM4 5LB

- 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 & Mrs Pandis against the decision of the London Borough of Merton.
 - The application Ref 23/P0321, dated 1 February 2023, was refused by notice dated 6 March 2023.
 - The development proposed is the erection of a single storey rear/ side extension with new front door
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey rear/ side extension with new front door at 58 Abbotsbury Road, Merton, Morden SM4 5LB in accordance with the terms of the application, Ref 23/P0321, dated 1 February 2023, 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 match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings: D02; D04, D06, D08 and D09.
 - 4) Access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area and the host property.

Reasons

3. The appeal property is reflective of the form and style of the properties in the area. It is an end of terrace property with its entrance door to the side. To the rear, a large box dormer has been added to the roof which has been altered from a hip to a gable end.

4. The proposed wrap-around extension would infill up to the side boundary and create a large extension to the rear. Planning permission has recently been granted for a similar extension (Council reference 22/P1572) but with the side element set back behind the existing entrance door. This proposal would extend the side element flush with the front elevation and thereby the matter in dispute is effectively restricted to the additional 1m depth to the side extension.
5. Generally, within the area the gap between each terraced block remains free from development. Nonetheless, as the extension is single storey it would be subservient to the existing property and the visual separation to the neighbouring block would be maintained.
6. Whilst I acknowledge that the setting back of the extension would enable more of the original form to be retained, aligning with the front elevation the side extension would not be an overly obtrusive feature. Small changes and personalisation of residential properties occur over time and there are examples of porches and other alterations to properties along Abbotsbury Road. The appellant also points out that, on its own, the side extension would fall within permitted development. A number of applications would be required to achieve the totality of the proposed development via this route, but it is the connecting element between the side and the rear extensions which would fall outside the scope of permitted development.
7. I appreciate that the approved design was the result of negotiations as part of the previous planning application. Nevertheless, having regard to the limited scale of the proposal and the extant scheme I do not find that the development would be harmful to the overall character of the area. It would therefore accord with the aims of Policies D3 and D4 of the London Plan 2021, Policy CS14 of the Merton Core Strategy (2011) and Merton Sites and Policies Plan (2014) Policies DM D2 and DM D3 which together require development to respect and relate positively to local context.

Conditions

8. I have imposed the standard time limit condition and, in the interests of certainty, a condition requiring that the development to be carried out in accordance with the approved plans. A condition is also necessary in the interests of the character of the property for the materials to match the existing property. As the development also includes the rear extension I have reimposed the condition on the extant consent restricting the use of the flat roof to protect the privacy of the occupiers of the neighbouring properties.

G Ellis

INSPECTOR