



Appeal Decision

Site visit made on 5 December 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18.12.2023

Appeal Ref: APP/T5720/D/23/3323248

37 Camberley Avenue, West Wimbledon, Merton, London, SW20 0BG

- 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 Ms C Blain against the decision of the London Borough of Merton.
 - The application Ref. 23/P0218, dated 24 January 2023, was refused by notice dated 21 March 2023.
 - The development proposed is erection of a part single storey and part two storey rear extensions, enlargement of existing rear dormer extension and insertion of new side door.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a part single storey and part two storey rear extensions, enlargement of existing rear dormer extension and insertion of new side door at 37 Camberley Avenue, West Wimbledon, Merton, London, SW20 0BG in accordance with the terms of the application, Ref. 23/P0218 dated 24 January 2023, and the plans submitted with it and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 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 or otherwise be in accordance with those in the application form or as shown on the approved plans.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Block Plan; 37.PA.1002; 37.PA.1003; 37.PA.1004.

Preliminary Matter

2. The National Planning Policy Framework (July 2021) (Framework) was revised in September 2023. However, the relevant design and amenity policies of the Framework remain unchanged in the September 2023 version.

Main Issues

3. The main issues are the effect of the proposed development on (a) the character and appearance of the host property and surrounding area; and (b) the living conditions of neighbouring occupiers.

Reasons

Character and appearance

4. The Council's first reason for refusal refers to policy CS14 of the Merton Core Planning Strategy (July 2011) (MCS), policies DM D2 and DM D3 of the Merton Sites & Policies Plan (July 2014) (MSPP) and policy D4 of The London Plan (March 2021) (TLP). Combined, these policies seek, amongst other requirements, to ensure that new development: is of a good quality design; reflects and reinforces local character; relates to the siting, rhythm, scale, height and proportions of surrounding buildings; and respects the original building in terms of form, scale, bulk and overall character.
5. More up to date policy guidance is provided in paragraph 130 of the Framework which states that being sympathetic to local character should not prevent or discourage appropriate innovation or change. Other than the policies of TLP, the policies of the MCS and MSPP predate the Framework as well as the National Design Guide (NDG) (January 2021). The latter reinforces the Framework, for example, at paragraph 44 by emphasising that well designed places do not need to copy their surroundings and that it is appropriate for new development to include innovation and change to reflect how we live today.
6. The appeal proposal involves a number of elements including a part single storey extension, enlargement of the existing rear roof dormer and insertion of a new side door. None of these elements are referred to in the Council's first reason for refusal. In relation to the Council's Delegated Report (CDR), there are a number of comparisons with permitted development rights even though the Appellant has not referred to any potential fallback option involving such rights and all the proposed elements have been submitted as one overall design. I have, therefore, considered the appeal proposal on that basis and on its individual merits.
7. The Council contend that the proposed first floor rear extension would result in an unsympathetic and incongruous addition to the host property. I do not agree. The proposed scale, bulk and form of the proposed first floor extension is modest and whilst I accept that it would result in an increase in the bulk of the rear of the host property, that increase would not be significant or harmful to the host or to its neighbours. Moreover, the fact that there are no similar first floor extensions on any nearby properties within the same part of the road, is not in itself justification for resisting this aspect of the proposal.
8. The proposed first floor extension has been designed with a rear facing pitched roof to reduce its volume, and with its eaves lower than existing to accentuate its subservience to the host property. A pallet of materials to match existing and the alignment of windows with those in the enlarged roof dormer, would further ensure that the new extension integrates well with the host and would appear as a sympathetic addition. As the Appellants Grounds of Appeal (GOA) point out, a similar design has been incorporated successfully on the rear of a property in Coombe Lane, to the north of the appeal site, which I observed on my site visit. That proposal has not resulted in any harm to the character or appearance of the area.
9. Even though the proposed first floor extension is full width, it would not detract from the appearance of the host or neighbouring properties and would appear proportional, even when considered in conjunction with the other elements of

the appeal scheme. I accept that there would be a material change to the scale and design of the rear of the host property, but, even so, I am satisfied that all the proposed changes would be acceptable. Moreover, in replicating the design and form of the existing roof extension and rear ground floor extension to 35 Camberley Avenue (No.35) (which forms the other half of this pair of semis) it would provide a better balance to this elevation. Even so, as I observed on site there are limited, if any, views of the rear to the host property from public vantage points. As such, the proposal would not have any harmful impact on the streetscene or the character and appearance of Camberley Avenue.

10. Overall, I am satisfied that the impact of the proposed first floor rear extension on the host property and the streetscene would not be harmful. That finding would remain the same even when assessed in conjunction with the other elements of the appeal scheme. The proposed first floor extension would not appear incongruous or visually dominant, and as there are no public views of the rear it would not appear out of character.
11. Accordingly, I find that the appeal proposal would not result in any harm to the character and appearance of the host property or the surrounding area and would be compliant, in this respect, with policy CS14 of the MCS, policies DM D2 and DM D3 of the MSPP and policy D4 of TLP, as well as the corresponding policies of the Framework and NDG.

Neighbours living conditions

12. The Council contend that the proposed rear extensions would, combined, be visually intrusive and result in a harmful sense of enclosure to the neighbouring occupiers in particular those at 39 Camberley Avenue (No.39). In this respect, the Council refer to policies D3 and D4 of TLP, Policy CS14 of the MCS and policies DM D2 and DM D3 of the MSPP. These seek, amongst other requirements, to ensure that new development: makes best use of existing land: delivers an appropriate outlook, level of privacy and amenity; protects the living conditions of neighbours and ensures they have adequate sunlight and daylight. There is no reference to any supplementary guidance on design or domestic extensions. Similarly, the CDR assessment of the impact on neighbours amenity is, in my view, extremely brief and contains no substantive evidence to support the Council's contention that the proposal would result in harm to the living conditions of neighbouring occupiers.
13. Moreover, the CDR accepts that the proposal would not have any impact on the living conditions of the occupiers of No.35. In relation to the occupiers of No.39, the CDR contends that the additional 3 metre extension on the ground floor combined with the 2.8 metre depth extension on the first floor would result in a visually intrusive extension. I do not agree. The proposed extension at ground floor level is modest and would incorporate a flat roof minimising its volume and impact. It would be offset from the common boundary with No.39 and there would remain a reasonable gap between the new extension and the rear windows of No.39 and its private amenity area. The Appellants GOA also indicates that this element satisfies the 45° rule, which is a useful and well used rule of thumb in assessing the acceptability of such building relationships.
14. Turning to the proposed first floor extension, its projection from the rear wall of the host would be modest and its design, incorporating a rear facing pitched roof and lower eaves compared to existing, would ensure that any impact on

the living conditions of No.39 would be limited and thus not harmful. I accept that the proposed extension would be visible to the occupiers of No.39, but there is no substantive evidence before me that would lead me to find that this impact would be harmful. These findings are reinforced by the Appellants GOA which show that this element would also satisfy the 45⁰ rule. For the above reasons and given also the orientation of the rear of No.39 relative to the proposed extensions, I am satisfied that this aspect of the proposal would not result in any sense of enclosure or have any overbearing impact on the outlook of the occupiers of No.39.

15. Accordingly, I find that the appeal proposal would not lead to any harm to the living conditions of neighbouring occupiers and would, therefore, be compliant, in this respect, with policies D3 and D4 of TLP, policy CS14 of the MCS, policies DM D2 and DM D3 of the MSPP, as well as paragraph 130 f) of the Framework.

Conditions

16. The Council has suggested conditions which I have considered against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions. Conditions requiring compliance with the submitted plans and for materials to match existing or otherwise be in accordance with those in the application form or as shown on the approved plans, are necessary and reasonable to secure a high-quality development and to reflect the details included in the application.

Conclusion

17. For the reasons given above and having taken all the matters raised into account I conclude that the appeal should be allowed.

G Roberts

INSPECTOR