



Appeal Decision

Site visit made on 24 April 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2024

Appeal Ref: APP/T5720/D/23/3334430

110 Copse Hill, West Wimbledon, Merton, London SW20 0NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Mehak Bhatia against the decision of London Borough of Merton.
 - The application Ref is 23/P2229.
 - The development proposed is erection of a rear first floor conservatory.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the decision notice as this accurately and succinctly describes the development proposed.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area and on the living conditions of neighbouring occupiers with particular regard to 108 Copse Hill.

Reasons

Character and Appearance

4. 108 Copse Hill is a large, recently constructed, detached house with the upper floor in a mansard style roof. The windows to the property appear to be white UPVC framed. It has a single storey addition at ground floor, with a terrace above at first floor. The terrace has obscure glazed panels on both sides. The ground level and rear garden of no 110 are at a lower level than the adjoining land at no 108, where the land slopes upwards to the north easterly corner.
5. The appeal scheme proposes an extension above the ground floor addition which would provide internal space in place of the terrace. It would be mainly glazed with white UPVC frames. The overall height would be below the eaves level of the host property and it would not extend beyond the existing terrace.
6. The proposed extension at first floor would create a large and bulky two storey rear projection to this property. Although the proposed glazing would result in a somewhat lightweight appearance, the proposed UPVC frames would be clearly evident and more prominent than the existing windows. As such, the proposed materials in combination with the overall height and size would result in an addition which would be unacceptably dominant and visually jarring. This

would be harmful to the appearance of the host dwelling and the surrounding area.

7. I am referred to planning approvals for first floor conservatories elsewhere in Merton¹. However, these are both located some distance from the appeal site and as such the considerations of character and appearance would not be the same as those before me now.
8. Therefore, the proposed development would be harmful to the character and appearance of the surrounding area. As such it would be contrary to policies CS 14 of the LDF Core Planning Strategy (2011) (CS) and DM D2 and DM D3 of the Sites and Policies Plan and Policies Maps (2014) (SPP). Together, in part, these seek high quality design, including with particular regard to alterations and extensions, and set criteria as to how this should be achieved.

Living Conditions

9. At present, the bulk of the main property already extends beyond the rear elevation of no 108. The proposed addition would further extend this footprint at first floor level. The extension would be set in from the boundaries, nevertheless it would result in a significant extent of built form extending a clear distance beyond the rear of no. 108. Although the change in land levels would mitigate some of the impact from the height, the proposed development would be clearly apparent as a two storey addition, and it would be visible above the existing boundary treatment. As such, for these reasons, the extent of the appeal scheme in the location proposed would result in an overbearing and visually intrusive effect on the occupiers of no. 108.
10. The proposed glazed structure would have opaque double glazing to the side panels and tinted glass elsewhere. Whilst there may be some glow emitted via treated glass, this would be unlikely to be any more harmful than domestic external lighting that could be installed. Consequently, there would not be an unacceptably harmful level of light spill from the proposed extension.
11. The proposed development would replace an existing terrace and any views would be similar to those that already exist. As such there would not be a harmful increase in overlooking as a result of the proposed development. However, the neutral effect with regard to overlooking and light pollution does not outweigh the unacceptable harm with regard to the overbearing effect.
12. Therefore, the proposed development would be harmful to the living conditions of neighbouring occupiers with particular regard to 108 Copse Hill. As such, in this regard, it would be contrary to DM D2 of the SPP which seeks high quality design including with regard to ensuring appropriate living conditions for adjoining buildings.

Other Matters

13. While I have noted the appellant's concerns that they did not have the opportunity to discuss the proposal prior to the issue of the decision, that does not alter my assessment of the planning merits of the proposal.

¹ 31 Cottenham Park Road (LPA ref 09/P0629), 2a Crown Lane (07/P3199)

Conclusion

14. The proposal would not accord with the development plan and there are no other considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR

