



Appeal Decision

Site visit made on 11 February 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2025

Appeal Ref: APP/T5720/W/24/3346269

17 Marlowe Square, Mitcham CR4 1DT

- 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 Rui Filipe Carvalho Da Silva against the decision of the Council of the London Borough of Merton.
 - The application Ref is 23/P2318.
 - The development proposed is non-permanent installation of a mobile home to the rear garden.
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Decision

1. The appeal is allowed and planning permission is granted for non-permanent installation of a mobile home to the rear garden at 17 Marlowe Square, Mitcham CR4 1DT in accordance with the terms of the application, Ref 23/P2318, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos HHA-1, HHA-104 and HHA-105.
 - 2) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 17 Marlowe Square.

Preliminary Matters

2. The Council have assessed the proposal on the basis that planning permission would be required and also consider it as a residential annexe, incidental to the main dwelling. The appellant does not dispute this. I have dealt with the appeal on this same basis.
3. Whilst the development has been completed, reference to retrospective application has been removed from the description in the banner heading and in the formal decision above as this does not describe an act of development.
4. Notwithstanding the description of development which describes the development as 'non-permanent', it is clear from the evidence that this is not an application for temporary planning permission and I have been given no details on length of duration. I have therefore dealt with the appeal on the basis that it is permanent development.
5. Policy DM D3 of the Sites and Policies Plan and Policies Maps (2014) (SPP) has been cited on the decision notice. This relates to alterations and extensions to existing buildings. Given the nature of the development I do not find the policy determinative in this particular case.

Main Issues

6. The main issues are the effect of the development on:
- the character and appearance of the host property and area, and;
 - the living conditions of the neighbouring occupiers at No 16 Marlowe Square (No 16) with particular regard to privacy and outlook.

Reasons

Character and appearance

7. Marlowe Square is a residential street with blocks of terraced properties arranged in a crescent formation around Marlowe Square green. The appeal property is an end terrace located in one corner of Marlow Square, set back from the highway, close to another terraced block. The location in the corner of the square means that the appeal property has an unusually large rear garden.
8. The annexe is located in the corner of the rear garden away from the host property and neighbouring properties. It is larger than other outbuildings and structures that I observed in the gardens of surrounding properties. However, given the size of the rear garden, its position away from the dwelling and its single storey nature with shallow pitched roof it would not appear as a dominant, overly tall or incongruous feature within the garden or when viewed against the host property.
9. Due to the relationship of the host property with the neighbouring terrace, the set back of the property from the highway and the existing boundary treatment, from the streetscene only glimpsed and fleeting views can be seen of the roof of the annexe which does not appear unusual in its appearance. It does not therefore have any materially detrimental effect on the character and appearance of the streetscene.
10. For the reasons above, the development would not have an adverse effect on the character and appearance of the host property and area. It would therefore accord with Policy DM D2 of the SPP, Policy CS 14 of the Merton Core Strategy (2011) (CS) and Policies D1 and D4 of the London Plan (2021) (LP). Among other things, these policies seek to ensure that development is well-designed, respecting the character of the area and relates positively to the siting of surrounding buildings.

Living conditions

11. No 16 is an end terrace and, due to its corner position on Marlowe Square, like the appeal site, it also has a large rear garden. During my site visit, I looked through the windows of the annexe that are orientated towards the shared boundary with No 16. Even considering the height of the annexe, given its angled orientation and siting away from the shared boundary, and the height of the shared boundary treatment, which was complete with no missing sections, any opportunities for overlooking from the windows were very limited and predominantly orientated towards the end of the rear garden at No 16. For these same reasons, and because any views of the structure when viewed from the rear of the property at No 16 are at an acute angle, the annexe does not appear visually overbearing or intrusive for the occupiers of No 16.

12. For the above reasons, the development does not have a harmful effect on the living conditions of the occupiers at No 16 with particular regard to privacy and outlook. It would therefore comply with Policy DM D2 of the SPP and Policy D3 of the LP. Taken together, these policies, amongst other things, seek to ensure that development is well-designed so that it ensures the provision of appropriate privacy, amenity and does not diminish the living conditions of existing residents.
13. Policy CS 14 of the CS and Policies D1 and D4 of the LP have been cited on the decision notice in relation to this main issue. These solely focus on design and thus have not been determinative on this particular issue.

Conditions

14. As the development is retrospective the standard time limit condition is not necessary. No conditions were put forward by the Council, however for certainty it is necessary to impose the approved plans condition. To avoid over intensification of the site and to maintain the character of the area and given that the description of development refers to a mobile home, it is necessary and reasonable to impose a condition to ensure that the proposed annexe is occupied as part of a single household of the main dwelling.

Conclusion

15. For the reasons given above the appeal should be allowed.

T Bennett

INSPECTOR