



Appeal Decision

Site visit made on 6 June 2025

by **S Poole BA(Hons) DipArch MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

Appeal Ref: APP/T5720/W/25/3361422

32A Durham Road, Merton, London SW20 0TW

- 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 S Sathkunanathan against the decision of the Council of the London Borough of Merton.
 - The application Ref is 24/P0986.
 - The development proposed is a first floor rear extension over the ground floor annex to accommodate 1no. studio flat. Insert new window and door to ground floor rear annex.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Merton Local Plan 2024-2038 (MLP) was adopted by the Council on 20 November 2024. This replaced the Merton Core Planning Strategy 2011 and Merton Sites and Policies Plan 2014, which are cited in the reasons for refusal. In light of this, the main parties have been given the opportunity to provide comments on the new MLP. I have had regard to the comments received and have considered the proposal against the relevant policies in the MLP.

Main Issues

3. The main issues are the effects of the proposal on: (i) the living conditions of occupiers of 13 and 15 Amity Grove and 34 Durham Road, with particular regard to overlooking; (ii) on the character and appearance of the host building and the surrounding area; and (iii) parking stress in the area.

Reasons

Living Conditions

4. The appeal site is occupied by 32 Durham Road, a part-3 and part-single storey building which includes a pair of commercial units on the ground floor with bedsits above. The rear unit forms the single storey part of the building at the rear. This is bounded by an alleyway that links Durham Road to Amity Grove. This provides access to outbuildings to the rears of neighbouring buildings.
5. The proposal would comprise the erection of a first floor extension that would occupy about two-thirds of the roof of the rear element and provide a small one-person dwelling. This would have 3 windows, 2 facing the rear parts of 34 Durham Road and the third, facing towards the rear gardens of 13 and 15 Amity Grove.

There would appear to be a small private courtyard garden area at the rear of No.34 a short distance from the proposal. Views into this courtyard from the side window serving the main living space of the proposal would be possible resulting in a severe loss of privacy for the users of this space.

6. Whilst I note the rear part of the garden of 15 Amity Grove is occupied by a garage, views over this building towards the part of the garden close to the house are likely to be achievable. In respect of No.13, I note that the existing vegetation close to the rear boundary provides a degree of screening during summer months. However this is not sufficient to prevent overlooking in the long term.
7. Due to its siting and design I conclude that the proposal would have an unacceptable effect on the living conditions of the occupiers of 13 and 15 Amity Grove and 34 Durham Road. For this reason, it fails to accord with MLP Policies D12.3 and D12.4 which, amongst other matters, require proposals for extensions to demonstrate that they do not significantly impact the quality of neighbouring buildings and amenity through overlooking.

Character and Appearance

8. The appeal property forms part of a group of buildings that feature a mix of extensions and large outbuildings to the rear. Whilst of varied form, these elements are all single storey. In this context, due to its siting and height, the proposal would be an overly prominent and incongruous element in views from surrounding buildings and from the alleyway. For this reason, it would have an unacceptable effect on the character and appearance of the surroundings and consequently fails to accord with MLP Policies D12.3 and D12.4 which require high quality design that responds positively to a site's context.

Parking Stress

9. The appeal site has a Public Transport Access Level rating of 5, indicating it has good access to public transport. As such, future occupiers of the proposal would not be reliant on the car. As the appeal site is situated in a Controlled Parking Zone, it is reasonable to ensure that residential development in this location is car-free to prevent unacceptable levels of parking stress in the locality.
10. Although the appellant has indicated a willingness enter into a Section 106 legal agreement to this effect there is no such agreement before me. In the absence of this the proposal would have an unacceptable effect on parking stress in the area and therefore fails to accord with MLP Policies T16.3 and T16.4 and Policy T6 of the London Plan (2021) which, amongst other matters, promote the use of sustainable transport modes, including car free developments in areas of high accessibility.

Conclusion

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR