



Appeal Decision

Site visit made on 17 December 2025

by **E Everitt BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2026

Appeal Ref: APP/T5720/W/25/3362545

26 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 Ramsey Ammar against the decision of the Council of the London Borough of Merton.
 - The application Ref is 24/P3222.
 - The development proposed is part single storey / part two storey rear extension, two storey side extension, rear roof extension, conversion of house into five self-contained flats (1 x 3-bed, 3 x 2-bed, 1 x 1-bed/1-Person) all with access to outside amenity, secure cycle/refuse storage and off-street parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 November 2024 the Council adopted the Merton Local Plan 2024-2037/38 (the Local Plan). This replaced the Local Development Framework Core Planning Strategy and the Sites and Policies Plan, which are cited in the reasons for refusal on the Council's decision notice. The Council has also introduced 5 additional reasons for refusal at the appeal stage. The main parties have been given the opportunity to provide comments on these matters. I have had regard to the comments received and have considered the proposal against the relevant policies in the current Local Plan.
3. The appellant refers to a proposed alteration to the submitted plans to divide the proposed dropped kerb into 2 separate sections of dropped kerb. No revised plans have been provided and so I have considered the appeal based on the plans submitted to the Council with the planning application.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the host building and surrounding area;
 - the effect of the proposed development on the living conditions of the occupiers of 25 Marlowe Square, with particular reference to outlook;
 - whether the proposed development makes adequate provision regarding ventilation and overheating;

- whether the proposed development makes adequate provision for energy efficiency;
- whether the proposed development makes adequate provision for affordable housing;
- the effect of the proposed development on air quality;
- whether the proposed development makes adequate provision for fire safety; and
- the effect of the proposed access on highway safety.

Reasons

Character and appearance

5. The appeal property comprises a 2-storey end-of-terrace dwelling located on the corner of Marlowe Square and Tamworth Lane. The surrounding area is predominantly residential in character. Although some properties have been extended and altered, there is a broad uniformity to the scale and form of properties located on Marlowe Square with alterations generally of a relatively moderate scale.
6. The proposed development includes the extension of the existing property to the side and rear as well as the addition of a rear dormer at roof level and sub-division into five flats. Collectively, the extension will result in a substantial increase in built form at the site.
7. The proposed rear extension would extend the full width of the property, including the proposed side extension, at ground floor level. Part of the extension would extend to 2 storeys in height. Overall, the rear extension would be substantially larger than the single-storey extension subject to a recent application for prior approval (24/P2960).
8. Due to the scale of the proposed rear extension, it would dominate and overwhelm the existing building and, in doing so, adversely affect its character and appearance.
9. Moreover, by reason of the appeal property's prominent location at the corner of Marlowe Square and Tamworth Lane, the rear extension would be highly visible and unduly prominent. It would appear incongruous in the street scene and out-of-keeping with the surrounding properties, including those within the terrace of which the appeal property forms part, which are of more moderate size.
10. The proposed rear dormer would extend the full width of the rear roof of the existing property and proposed side extension. I observed on site that there are examples of rear dormers on other properties in the surrounding area. Consequently, rear dormers now form part of the character of the area. I have also been provided with details of a Certificate of Lawful Development for a proposed rear dormer on the existing building (24/P2986). While the proposed dormer would be larger than that found on nearby properties and subject of the Certificate of Lawful Development, I do not consider that, in isolation, it would have an adverse effect on the character and appearance of the host building or surrounding area.

11. The Council finds that, although prominently visible, the side extension would not, in isolation, harm the character and appearance of the host building or surrounding area. From the plans before me and my observations on site, I see no reason to disagree with that finding.
12. Notwithstanding this, when considered as a whole, the new built form would be harmful to the character and appearance of the host building and surrounding area due to the scale and incongruous nature of the proposed rear extension.
13. The proposed development also includes the removal of part of the front boundary wall. From the plans before me, it is evident that the boundary wall adjacent to Tamworth Lane and the corner with Marlowe Square would be retained. Therefore, it would screen the proposed bin storage. I observed on site that the boundary wall has been removed from a number of nearby properties to facilitate parking on front gardens. In this context, the removal of part of the boundary wall would not have a harmful effect on character and appearance. However, this matter does not lessen the harm I have identified on this main issue.
14. The appellant highlights examples of developments of a similar scale in the local area. While the information before suggests some commonalities with the appeal proposed, I observed on site that the examples highlighted differ markedly to the appeal site and the proposal before me including for the following reasons. 145 Streatham Road is a development of a smaller scale, in a less prominent location. The character of the surrounding area includes other extensions of a broadly comparable scale. 58 New Close is sited such that the rear of the property, and therefore the rear extension, is less prominent. 9 Brenley Close is also in a less prominent location.
15. 19 Arras Close had an existing 2-storey outrigger prior to its redevelopment, as does its semi-detached neighbour at No 17. 11 Leather Close was a development of a smaller scale in a less prominent location and where there is greater variety in the surrounding built form. 3 New Close has an adjoined neighbour, No 4, which has been extended to the rear over 2 storeys.
16. Ultimately, therefore, while there are some similarities with the appeal proposal the above examples are not directly comparable. In any event, each proposal must be assessed on its own individual circumstances and I have reasoned above why I have identified harm from the proposed development.
17. The appellant highlights that other properties on Marlowe Square benefit from permitted development (PD) rights for rear dormers and single-storey rear extensions. They suggest that such works will probably be implemented in the near future using these PD rights. Notwithstanding the potential for such works to be undertaken in future, my assessment is based on the character and appearance of the area at the present time. Moreover, the appeal proposal is for a substantially larger development than PD rights allow for. In this regard, the potential for other rear dormer and single-storey rear extensions in the vicinity of the site do not lessen the harm I have identified or lead me to an alternative conclusion.
18. Taking the above into account, I conclude that, overall, the proposed development would have a harmful effect on the character and appearance of the host building and surrounding area. Therefore, the proposed does not accord with the relevant provisions of Policies D12.1, D12.3 and D12.4 of the Local Plan and Policies D3

and D4 of the London Plan 2021. These policies, amongst other matters, seek development which respects and positively responds to context, townscape, landscape and public realm, respects the form, scale and bulk and proportions of original buildings, responds to the existing character of a place, enhances local distinctiveness and retains the design quality of development.

Living conditions

19. The proposed development would result in additional built form at the rear of the appeal property close to the shared boundary with No 25. Development abutting the shared boundary would be single storey in height and of the same depth of as that subject to a recent application for prior approval (24/P2960). However, there would also be additional built form at first floor level relatively close to the shared boundary. The ground floor extension would be wider than the approved extension.
20. In combination, this additional built form would appear dominant and visually intrusive when viewed from No 25. It would impinge on the outlook from the rear of No 25 at ground and first floor level, increasing the sense of enclosure experienced by the occupiers of the property.
21. For these reasons, I conclude that the proposed development would have a harmful effect on the living conditions of the occupiers on No 25, with particular reference to outlook. As such, the proposal is contrary to the relevant provisions of Policies D12.3 and D12.4 of the Local Plan. Among other matters, these policies seek to ensure that an acceptable outlook would be available to existing occupants and that visual disturbance resulting from development does not diminish the living conditions of existing residents.

Ventilation and overheating

22. Policy CC2.1 of the Local Plan requires that development mitigates the risk of overheating and maximises comfort and wellbeing in a changing climate. No evidence is before me relating to ventilation and overheating. In the absence of such evidence, I have insufficient information before me to conclude that the proposal would make adequate provision in relation to ventilation and overheating.
23. Consequently, in taking a precautionary approach, I conclude that the proposed development does not make adequate provision regarding ventilation and overheating. As such, the proposal is contrary to the relevant provisions of Policy CC2.1 of the Local Plan.
24. The Council's refusal reason also refers Policies CC2.2, CC2.3, CC2.4 and CC2.6 of the Local Plan. However, these policies relate to other sustainability matters which are not relevant to this main issue. Accordingly, I find no conflict with Policies CC2.2, CC2.3, CC2.4 and CC2.6 in relation to this main issue.

Energy efficiency

25. Policy CC2.2 of the Local Plan requires the submission of an energy statement demonstrating how emissions savings have been maximised at each stage of the energy hierarchy and that where the net-zero carbon target cannot be fully achieved on site contributions to the Council's carbon offset fund are secured.

26. While an energy statement is before me, it considers the proposal against the requirements of Policy CS15 of the now superseded Local Development Framework Core Planning Strategy. In doing so, it does not demonstrate whether the current policy requirements, as set out in Policy CC2.2 of the Local Plan, have been adhered to. There is also no Section 106 Legal Agreement before me securing contributions to offset any carbon shortfall. I cannot, therefore, be certain that the proposed development would maximise emissions savings and achieve the net-zero carbon target.
27. Therefore, I conclude that the proposed development does not make adequate provision for energy efficiency. In this regard, it is contrary to the relevant provisions of Policy CC2.2 of the Local Plan.

Affordable housing

28. Policy H11.1 of the Local Plan requires that developments of 2-9 homes (gross) provide a financial contribution equivalent to 20% affordable housing provision. No Section 106 Legal Agreement is before me to secure this contribution. Furthermore, no evidence has been provided which seeks to justify a lack of provision on viability grounds.
29. As such, I conclude that the proposed development would not make adequate provision for affordable housing. In this regard, it is contrary to the relevant provision of Policy H11.1 of the Local Plan.

Air quality

30. Policy P15.10 of the Local Plan and Policy SI1 of the London Plan require that all developments are at least air quality neutral. While the appellant has provided an Air Quality Impact Assessment, the assessment does not consider the impact of the proposed car parking spaces once in operation. In the absence of a comprehensive assessment, I have insufficient information to conclude that the proposed development would not have a harmful effect on air quality.
31. Consequently, in taking a precautionary approach, I conclude that the proposed development would have a harmful effect on air quality. In this regard, the proposal is contrary to the relevant provisions of Policy SI1 of the London Plan 2021 and Policy P15.10 of the Local Plan.

Fire safety

32. Policy D12 of the London Plan requires that development proposals achieve the highest standards of fire safety. A Fire Safety Strategy demonstrating that fire safety considerations, including a robust strategy for evacuation, have been taken into account is before me.
33. Therefore, I conclude that the proposed development would make adequate provision for fire safety. As such, the proposal accords with the relevant provisions of Policy D12 of the London Plan 2021.

Highway safety

34. The Council raises concerns about the proposed length of the dropped kerb on the basis that it is considered prejudicial to public safety. No specific reasoning for this concern is provided in the information before me. I observed on site that multiple

properties on Marlowe Square have dropped kerbs, several of which are located adjacent to one another resulting in an extended length of dropped kerb. In this context, I am satisfied that the proposed extended length of dropped kerb would not lead to an adverse effect on public safety compared to the existing circumstances.

35. The Council also comments on the relationship between the existing lamp column and the proposed dropped kerb. Reference is made to a 1m minimum gap between the dropped kerb and lamp column, albeit I have no evidence before me that demonstrates that a gap of at least 1m is required.
36. For these reasons, I conclude that the proposed access would not have a harmful effect on highway safety. Therefore, the proposal accords with the relevant provisions of Policy D8 of the London Plan and Policies D12.1 and D12.3 of the Local Plan. This policy seeks to, among other matters, ensure that the public realm is safe, accessible and facilitates active modes of transport and that car parking on forecourts and front gardens is not detrimental to highway safety.
37. The Council's refusal reason also refers to Policy T6.1 of the London Plan 2021 and Policy D12.4 of the Local Plan. However, these policies relate parking standards and design matters which are not relevant to this main issue. Accordingly, I find no conflict with Policies T6.1 and D12.4 in relation to this main issue.

Other Matters

38. The proposed development would provide 4 dwellings, including one family-sized dwelling, on previously developed land within an existing urban area. The development would be sited such that it would be accessible to local services via a range of transport modes. It would make efficient use of site and contribute towards maintaining housing supply in the Borough. Indeed, the appellant has brought to my attention the Council's latest Housing Delivery Test result which stands at 89%. This demonstrates recent undersupply of housing against targets. I attach significant weight in favour of the proposal to the contribution which the proposal would make towards housing supply.
39. The site is located within an area that is at low risk of flooding and not in a critical drainage area. It is not located within a conservation area and neither the existing property or nearby buildings are listed or locally listed. The development would provide internal space in excess of relevant standards as well as outdoor space for all occupiers, in the form of a combination of private and communal gardens. The layout of the development would allow for privacy for occupiers of neighbouring properties as well as future occupiers of the appeal property. Permeable paving would be provided in the front garden, with landscaping also proposed in the front and rear gardens. Secure bin and cycle storage would also be provided. Ultimately, however, these matters do not lessen the harm I have identified above or lead me to an alternative conclusion on the main issues.
40. I acknowledge that a range of technical reports have been prepared in support of the proposal. However, these reports do not lead me to an alternative conclusion on the main issues.
41. I appreciate the frustrations of the appellant regarding the approach taken by the Council in respect of policies against which the application was assessed.

Nevertheless, I have considered the proposed development against the policies in the current development plan, as I am required to do.

Planning Balance and Conclusion

42. The proposed development would provide new housing in an area where there is a recent shortfall in supply. I am satisfied that the development would make adequate provision for fire safety and would not have a harmful effect on highway safety. However, I do not consider that these benefits outweigh the harm I have identified from the proposal.
43. In conclusion, therefore, the proposed development would conflict with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above, I conclude that the appeal should be dismissed.

E Everitt
INSPECTOR