



Appeal Decision

Site visit made on 20 January 2026

by **J Heppell BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th February 2026

Appeal Ref: APP/T5720/W/25/3373825

13 Brookfields Avenue, Mitcham, Merton CR4 4BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Ahmed Imtiaz against the decision of the Council of the London Borough of Merton.
 - The application Ref is 25/P1450.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This proposal was submitted pursuant to Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The proposal is for a “larger home extension”.
3. The proposal meets the size limitations for a larger home extension and, consequently, the Council notified adjoining owner/occupiers about the proposal. One objection was received from the occupants of 15 Brookfields Avenue. In these circumstances, the prior approval of the local authority is required as to the impact of the proposed development on the amenity of any adjoining premises. When undertaking this amenity assessment, the scheme, in the view of the Council, would have an adverse effect on the living conditions of the occupants of both 11 and 15 Brookfields Avenue (Nos 11 and 15) by reason of a loss of daylight and outlook, and an increased sense of enclosure. Prior approval was refused and this appeal is made against that refusal.

Main Issue

4. The main issue in this appeal is the impact of the proposal on the living conditions of adjoining occupiers (Nos 11 and 15), with particular reference to daylight, outlook and sense of enclosure.

Reasons

5. The appeal property is a semi-detached dwelling, to which it is proposed to add a 6m deep single storey rear extension across the full width of the property. The roof of the extension would slope down towards the rear.
6. No 15 is attached to the host property, with the patio doors/windows of its dining room located near to the boundary between the two properties. No 11 is separated

from the host property by a shared single driveway, with its kitchen, which possesses a door/window to the rear and a secondary window on the side, located closest to the boundary. All three properties have modest rear gardens.

7. Owing to the siting, depth and height of the proposed extension in proximity to the openings at the rear of No 15, it would appear prominent on the shared boundary with No 15, notwithstanding that its roof would be lower towards the rear. Due to the orientation of the respective built forms, and in the absence of any substantive evidence to demonstrate otherwise, levels of daylight reaching the living area of No 15 would be substantially reduced, even though levels of direct sunlight are unlikely to be affected. Consequently, the proposal would unacceptably diminish the outlook from that space, as well as from the patio area of that property. The result would be an unacceptable sense of enclosure, to the detriment of the living conditions of occupiers.
8. The impact on No 11 would be less pronounced, owing to the separation between the properties, and the fact that the nearest affected room, the kitchen, has windows on two elevations. Moreover, the outlook from No 11 and its usable patio area are already affected to a degree by the detached garage behind the property. Therefore, while the proposal would have alter the outlook from No 11, the impact would not be so great as to unduly harm the living conditions of those occupiers.
9. The appellant has highlighted that permitted development rights allow for extensions up to 3m deep to be erected without neighbour consultation, and that consequently only the impact of the additional 3m should be assessed. They have reiterated that, in the absence of objections, a 6m deep extension is permitted development. However, these considerations do not alter my conclusion that a 6m deep extension of the height and position proposed would be harmful to the living conditions of neighbouring occupiers.
10. The fact that the proposal would be lower than the maximum height of 4m allowed under permitted development rights does not remove the requirement to assess the impact of the proposal on the amenity of adjoining premises, and in this regard I have found the impact to be unacceptable. Similarly, the fact that the extension would drop down in height at the rear, to a point where it would not be significantly higher than a boundary fence constructed under permitted development rights, does not count in the scheme's favour given the harm I have identified.
11. I have been referred to recent developments in the area including a rear extension at 17 Brookfields Avenue (No 17), which the appellant considers to be of similar size to the proposal. As I have not been supplied with details of the extension at No 17, I cannot make a direct comparison between it and the proposal, although from my observations it appears to be of some depth. Moreover, I do not know whether it was granted approval and, if it was, on what basis it was granted. In any event, the existence of a rear extension at No 17 does not alter my concerns regarding the impact of the proposal on neighbouring living conditions.
12. The decision notice refers to policies D12.3 and D12.4 of the Merton Local Plan 2024-2037/38, which together require high quality design for all developments, including a high standard of amenity for neighbouring buildings through the provision of acceptable light and outlook and the avoidance of overshadowing. I have had regard to these policies only insofar as they are material to the impact

upon amenity of adjoining premises. For the reasons I have set out, the proposal would be in conflict with these policies.

13. The National Planning Policy Framework (the Framework) encourages local planning authorities to approach decisions in a positive and creative way, to work proactively with applicants, and to approve sustainable development where possible. The proposal would allow larger, more versatile living space to be created, in place of the traditional configuration of the existing property. It would boost the construction industry and the wider economy, commensurate with the size of the proposal. However, such considerations do not outweigh the harm I have identified, and moreover the proposal would conflict with the Framework's requirement that developments provide a high standard of amenity for existing occupiers.
14. Drawing all the above together, the proposal would not result in an unacceptable loss of daylight and outlook, or an increased sense of enclosure, to No 11. However, it would do so for No 15. I therefore conclude that the proposal would harm the living conditions of adjoining occupiers at No 15, with particular reference to daylight, outlook and sense of enclosure.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

J Heppell

INSPECTOR