



---

## Appeal Decision

Site visit made on 3 February 2026

**by V Bond LLB (Hons) Solicitor (Non-Practising)**

an Inspector appointed by the Secretary of State

**Decision date: 11 MARCH 2026**

---

**Appeal Ref: APP/T5720/C/23/3332959**

**Land at 205 London Road, MORDEN, SM4 5PT**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
  - The appeal is made by Friends Property Portfolio Ltd against an enforcement notice issued by the Council of the London Borough of Merton.
  - The notice was issued on 18 October 2023.
  - The breach of planning control as alleged in the notice is: Without planning permission and within the last four years: (i) the unauthorised erection of a rear roof extension on the Land; and (ii) the unauthorised erection of a single storey rear/side extension on the Land.
  - The requirements of the notice are: a) Either: (i) remove the unauthorised rear roof extension and reinstate the original roof to its condition prior to the breach of planning control; Or: (ii) alter the unauthorised rear roof extension to fully accord with the approved drawing number: 2021/1106-P05A (attached) submitted to the Council in accordance with planning permission reference number: 21/P4071 (b) Either: (i) remove the unauthorised single storey rear/side extension and reinstate the original wall; Or: (ii) alter the unauthorised rear roof extension to fully accord with the approved drawing number: 2021/1112-P06A (attached) submitted to the Council in accordance with planning permission reference number: 21/P4052. (c) Following compliance with step 5(a)(i) or step 5(a)(ii) and step 5(b)(i) or step 5(b)(ii), completely remove from the Land all associated materials, fixtures, fittings, and debris.
  - The period for compliance with the requirements is: 3 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
- 

### Decision

1. It is directed that the enforcement notice is corrected and varied by:
  - In sub-paragraph 5(b)(ii) of the notice the deletion of the words “rear roof extension” and their substitution with the words “single storey rear/side extension”;
  - In sub-paragraphs 5(a)(ii) and 5(b)(ii) of the notice the deletion of the words “planning permission” and their substitution with the words “application”; and
  - in paragraph 5 the deletion of the words “3 months” and their substitution with the word “6 (six) months”.
2. Subject to the corrections and variation, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### The Notice

3. The requirements of the notice refer to alternate requirements in sub-paragraphs 5(a)(ii) and 5(b)(ii) enabling the appellant to alter the roof extension and single

storey extension attacked by the notice to comply with drawings approved pursuant to 'planning permission' reference numbers 21/P4071 and 21/P4052 respectively.

4. The reference numbers in question relate to an application for a lawful development certificate and prior approval respectively and I shall therefore correct the notices to refer to 'application' reference numbers rather than 'planning permission' references. Sub-paragraph 5(b)(ii) also erroneously makes reference to the 'unauthorised rear roof extension' where this was plainly intended to refer to the 'unauthorised single storey rear/side extension'. I will correct the notice accordingly. No injustice would result from these corrections which are for clarity.

## **The appeal on ground (a) and the deemed planning application (DPA)**

### **Preliminary Matters**

5. During the course of the appeal the LPA adopted the Merton Local Plan 2024 (LP). The parties were given an opportunity to comment on this as regards the appeal and my assessment is based upon the development plan as extant as at the date of the appeal. The revised National Planning Policy Framework 2024 ('Revised Framework') came into force during the course of the appeal. The revisions made have not had a direct bearing on the issues which are central to these appeals. On 16 December 2025 the Government also published a consultation on proposed reforms to the Revised Framework. These proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes.

### **Main Issues**

6. The main issues are the effect on (i) the character and appearance of the host property and area; and (ii) the living conditions of neighbouring residents with particular regard to outlook and natural light.

### **Reasons**

#### *Character and appearance*

7. The appeal property is a two-storey semi-detached dwelling which has been extended by means of a hip to gable and rear dormer roof enlargement and by a single storey rear/side extension. The enforcement notice is directed at both the rear dormer extension and the single storey extension.
8. The dormer roof enlargement attacked by the notice has been constructed with no set back from the eaves, no set down from the ridge, and across the full width of the roof. This results in a top heavy and block-like structure, giving the property the appearance of a three-storey building, detracting from the original form of the dwelling. Its incongruous appearance is clearly visible in public views from Rosedene Avenue and detracts from the character of the host property and area. It would have a significantly bulkier appearance than the dormer extension which could be constructed pursuant to the lawful development certificate granted<sup>1</sup> or could otherwise be built under permitted development rights.
9. While there are some limited examples of other large rear dormer roof extensions in the surrounding area, these are not sufficiently widespread to form an

---

<sup>1</sup> Ref: 21/P4071

established part of the character of the area and do not justify the harm resulting from the dormer enlargement attacked by the notice.

10. As regards the single storey extension, this is of significant width and depth relative to the host property. However, bearing in mind the size of the extension that could have been constructed pursuant to the prior approval application<sup>2</sup> along with the presence of other relatively large outbuildings and rear extensions in the locality, the appeal extension does not have a materially harmful effect.
11. The dormer roof extension results in material harm to the character and appearance of the host property and area but the single storey extension has an acceptable effect in this regard. The roof extension thus fails to accord with Policies D12.1, D12.3 and D12.4 of the LP which seek to ensure that development responds positively to the site's context and character and that extensions and alterations respect the form, scale, bulk, and proportions of the original building. There is conflict also with the aims of London Plan 2021 Policies D3 and D4 which encourage new development to respond to local distinctiveness and seek to ensure design quality.

#### *Living conditions*

12. The appellant does not suggest that the dormer roof enlargement has a harmful impact as regards the living conditions of neighbouring occupants and I have no reason to disagree with that assessment.
13. As regards the single storey extension to the rear of the host property, this projects over 6m from the rear elevation of the dwelling. The adjacent property at 207 London Road has a small conservatory to the rear which is of very modest depth and No 203 to the other side has not been extended to the rear. In view of the depth and height of the appeal extension and its position relative to the side boundaries<sup>3</sup>, it results in an oppressive sense of enclosure to both neighbouring properties' gardens.
14. The appellant makes comparisons as between the extension in the Prior Approval Application and that attacked by the notice. In my view, while the increase in depth is not significant in this context, the increase in width of some 700mm and consequent closer proximity to the side boundaries means that the appeal extension has a significantly harmful effect. Within this constrained garden environment, the relatively small increase in proximity to No 207's boundary has a notably harmful impact.
15. The appellant references a fallback position in respect of a fence that could be erected under permitted development rights. However, this would be materially lower in height than the appeal extension and so not comparably harmful. This fallback would not therefore justify the appeal extension. While 'other forms of extension that could be built under permitted development' are referenced, no clearly defined proposals are given to enable a proper comparison in this regard.
16. As regards loss of natural light to the adjoining properties, taking into account the appellant's fallback position pursuant to the Prior Approval Application, on the

---

<sup>2</sup> Ref: 21/P4052 (Prior Approval Application)

<sup>3</sup> I note that it has been stated as regards No 207 that the appeal development has been constructed over the boundary with this property. I do not have title information in respect of the properties and boundary disputes are not a planning matter in any event.

available evidence, the appeal extension would not have a materially harmful effect in this respect.

17. I find then that the single storey extension has a harmful effect on the living conditions of neighbouring occupants with respect to outlook and conflicts in this way with Policies D12.1, D12.3 and D12.4 of the LP which strive to ensure that new development takes account of site constraints, provides a high standard of amenity, and that alterations and extensions protect the living conditions of existing residents. Conflict arises also with Policy D3 of the London Plan which indicates that new development should deliver appropriate outlook.

### **Conclusion on ground (a) and the DPA**

18. The appeal development results in harm to the character and appearance of the area and to the living conditions of neighbouring occupants and would conflict with the development plan, read as a whole. No material considerations are advanced that warrant a decision other than in accordance with the plan. For these reasons, and taking into account all other matters raised, the ground (a) appeal fails and planning permission shall be refused in respect of the DPA.

### **The appeal on ground (g)**

19. The appeal on ground (g) is that the period for compliance (3 months) falls short of what is reasonable.
20. The appellant requests a minimum of six months as a compliance period on the basis that a family is living in the dwelling and will need to vacate the property while the works are being carried out. The appellant states that the works required to comply with the notice are significant and that the ground floor extension likely will need to be demolished and rebuilt in its entirety, that most or all of the dormer extension will need to be dismantled potentially necessitating removal of an internal staircase also.
21. While I appreciate that the notice was issued in October 2023, the appellant was entitled to assume potential success under their ground (a) appeal and so should be afforded a reasonable period for compliance once the notice takes effect. Taking into account the extent of the works required and that the dwelling is currently occupied, in my view a six month compliance period would strike a balance between bringing ongoing harm to an end and affording a reasonable period for compliance with the notice.
22. The appeal on ground (g) succeeds to this extent.

### **Overall conclusion**

23. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

*V Bond*

INSPECTOR