



Appeal Decision

Site visit made on 8 June 2020

by Hilary Orr MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2020

Appeal Ref: APP/T5720/C/19/3239567 6 Cartmel Gardens, Morden SM4 6QN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ms Yilei Song against an enforcement notice issued by the Council of the London Borough of Merton.
 - The enforcement notice was issued on 25 September 2019.
 - The breach of planning control as alleged in the notice is the erection of a side extension on the Land not built in accordance with approved plans.
 - The requirements of the notice are:
 - (a) Demolish the side extension; and
 - (b) Remove from the Land all materials and debris resulting from compliance with (a) above
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. 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.
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Decision

1. 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.

Procedure note

2. My attention has been drawn to the previous approved application for a single storey extension. However, the parties agree that this is not the extension that has been built. The enforcement notice relates to the building that I saw at my site visit. As the enforcement notice is remedial in nature and the appellant has not advanced, or provided any evidence to substantiate, an appeal under ground (f). I shall therefore consider the development as built.

Main Issue

3. I consider that the main issue is the effect of the development on the character and appearance of the original building and the area.

Reasons

4. The appeal site forms the end of a row of three dwellings. Cartmel Gardens is a small development of residential properties, generally located along and around the turning head of the cul de sac. There are two pedestrianised spurs leading

to a communal grassed area, overlooked by small terraces of houses. The orientation of the properties around the turning head and communal areas, give the area an open character, with clear views from the highway towards the dwellings surrounding and at each end of the spurs.

5. The site is irregular in shape as it is sited on a corner plot where the turning head and pedestrianised areas meet. The single storey extension has been located to the side of the host property and is of a scale that it almost fills the gap to the side boundary with the highway. It has a substantial hipped roof.
6. The extension is very large when compared with the host dwelling. Its scale and design gives it an unacceptably dominant appearance, when compared to the host dwelling and to other properties in the street scene. This dominant appearance is further exacerbated by the large roof expanse, together with the door and glass canopy to the front elevation, which gives it the appearance of a dwelling in its own right.
7. Overall, I find the design, excessive scale and appearance of the extension fails to respect and complement the original building and wider street scene. Consequently, it significantly harms the character and appearance of the area and is in conflict with policy DM3 of the Merton Council's Sites and Policies Plan (2014), which aims to achieve high quality design and the protection of amenity within the borough.

Other matters

9. My attention has been drawn to several other properties in the area that have extensions. I do not know the planning history, or policy position at the time that these were built. However, I took the opportunity to view them at my site visit. To my mind, there are a number of differences between these and the appeal development. The extension at No 30, whilst appearing wide, has a flat roof and is set back further from the highway with a parking area in front. This makes it appear less bulky and retains the open characteristics of the frontage. The two storey extension at No7, appears to have been on a larger plot and this together with the lower ground level allows it to successfully integrate into the street scene.

Conclusion

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

Hilary Orr

INSPECTOR