



Appeal Decision

Site visit made on 22 August 2019

by Timothy C King BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 30 September 2019

Appeal Ref: APP/T5720/C/19/3220746

74 Beeleigh Road, Morden SM4 5JW

- 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 Mr Hayden Moore against an enforcement notice issued by the Council of the London Borough of Merton.
 - The enforcement notice was issued on 17 December 2018.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a single storey front extension on the land ("the Extension").
 - The requirements of the notice are to:
 - (a) Demolish the Extension; and
 - (b) Remove from the land all materials, rubble, machinery, apparatus and installations used in connection with or resulting from compliance with Step 5(a) above
 - (c) Restore the land to its condition prior to the breach of planning control, by executing works to fully accord with drawing number 1066_PL02 of permission reference 18/P3801 dated 5th December 2018 by demolishing the extension.
 - The period for compliance with the requirements is within 4 months from the date this notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) 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 as amended.
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Summary Decision

1. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Preliminary Matters

2. Requirement (c) of the notice refers to 'permission reference 18/P3801'. In fact, this application was refused planning permission by the Council. Requirements (a) and (c) also amount to the same thing but, as I am allowing the appeal and quashing the notice it is not necessary for me to correct this point.

Background

3. As mentioned, retrospective planning permission (ref 18/P3801) was refused in December 2018 for the retention of the front extension at issue. The Council then served an enforcement notice requiring the extension's removal.
4. The Council considered it expedient to issue the notice due to what it considered to be a harmful visual effect on the character and appearance of both the host dwelling and its surrounding area.

The Appeal on Ground (a) and the Deemed Planning Application

Main issue and reasons

5. The main issue is the effect of the development on the character and appearance of the area.
6. 74 Beeleigh Road is an end-of-terrace, two-storey dwelling. The terrace is significantly set back from the street, recessed behind a communal grassed area and a footway access to the dwellings which are situated behind. Given this arrangement, the terrace's front building line is also set well back from that of No 72, the first property of the adjacent terrace to the north. The dwellings' staggered flank walls are also separated by spaces on both sides of the common boundary.
7. The front extension, built in a yellow brick-type to closely match that of the original dwelling and the general vernacular, has a shallow pitched roof with a central ridge, and a relatively small window within its front wall. The dwelling's entrance which was previously at the front of the house has now been repositioned to the side wall of the extension.
8. Many of the local properties have retained their original small canopy features positioned above the front door's entrance. Others have had porches built, and at my site visit I noted that there are also examples of front extensions in Beeleigh Road. One such addition at No 46 Beeleigh Road is a prominent, full width brick extension. The extension at appeal, though, is deeper than No 46's and other such additions which I observed along the street.
9. Nonetheless, being only partial width, set away from No 76, and with its roof pitch at a similar angle to a small side addition positioned along the flank wall behind, I consider that the extension's form, design and appearance tempers its impact to an extent that it complements the host dwelling and integrates satisfactorily within the street scene.
10. In light of my findings I therefore disagree with the Council's view that the development is visually obtrusive and incongruous. However, this is not to say that all such front extensions would be acceptable in principle in the locality. In this particular instance the various factors combine in favour of the development and the planning merits outweigh the impacts otherwise.
11. Accordingly, I find that the development does not harm the character and appearance of the area. Consequently, it would not conflict with policies DM D2 and D3 of the Merton Sites and Policies Plan and Policies Maps (MSPP), policy CS14 of the Merton Core Strategy and policies 7.4 and 7.6 of the London Plan. Taken together, these require development to meet urban design objectives, have regard to the pattern and grain of existing space and streets, and blend in with its surroundings in terms of scale, massing and detail.
12. For the reasons given above I conclude that the development is not harmful to the character or appearance of the area, the appeal should succeed on ground (a), and planning permission will be granted.

Formal Decision

13. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under

section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a single storey front extension on land at 74 Beeleigh Road, Morden SM4 5JW, referred to in the notice.

Timothy C King

INSPECTOR