



## Appeal Decision

Site Visit made on 25 October 2021

**by Nicola Davies BA DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1 November 2021**

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### **Appeal Ref: APP/T5720/D/20/3256574 25 Greenwood Close, MORDEN, SM4 4HX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Kamal Ashraf against the decision of London Borough of Merton.
  - The application Ref 19/P4300, dated 4 December 2019, was refused by notice dated 28 January 2020.
  - The development proposed is reduction of existing canopy attached to the extension at the rear both in depth and width.
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### **Decision**

1. The appeal is allowed and planning permission is granted for the reduction of existing canopy attached to the extension at the rear both in depth and width at 25 Greenwood Close, Morden, SM4 4HX in accordance with the terms of the application Ref 19/P4300, dated 4 December 2019, subject to those conditions listed below: -
  - a) The development hereby permitted shall begin no later than three years from the date of this decision.
  - b) The development hereby permitted shall be carried out in accordance with the following approved plans: 2019/0803 - P04B, 2019/0803 - P05B and 2019/0803 - P06B.
  - c) The facing materials to be used within the development hereby permitted shall be those specified in the planning application form and/or upon the approved drawings.
  - d) Access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only and at no time shall the flat roof be used as a roof garden, terrace, patio or similar outdoor amenity area.

### **Preliminary Matters**

2. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. I have had regard to the Framework in reaching my decision.
3. Planning permission has previously been refused by the Council for a longer canopy to that proposed here. However, this proposal seeks permission for a reduced sized canopy to that sought permission previously. There is a canopy in place which I saw at my visit. For clarity, I have considered the canopy proposal as applied for as shown on drawings 2019/0803 - P04B, 2019/0803 -

P05B and 2019/0803 - P06B and upon which the Council made its determination.

### **Main Issues**

4. The main issues raised are the effect of the proposed canopy on the living conditions of existing adjoining occupiers and upon the character and appearance of the host property and the area.

### **Reasons**

#### *Living conditions*

5. Tall close board fences run along the rear side boundaries with 24 and 26 Greenwood Close. The canopy would be visible to those adjoining occupiers above the existing fences. The canopy would add a further 2m to the existing 6m long single storey rear extension. However, the canopy would be set in from the side boundary fences by approximately 0.45m and have open sides. The roof would comprise translucent sheets.
6. Given the relatively open nature of the canopy the neighbours would have observation through it. Furthermore, being stepped away from the side boundaries this would lessen the visibility of the canopy in the neighbour's outlook. For these reasons I do not consider the canopy would create a substantial harmful sense of enclosure or result in a considerable loss of outlook for the occupiers of the properties either side. Although it would be visible above the boundary fences, given its lightweight design and open form, it would not be visually overbearing in the outlook of the neighbour occupiers.
7. For these reasons, I conclude that the proposed canopy would not harm the living conditions of existing adjoining occupiers. As such, the proposed development would comply with Policies 7.4 and 7.6 of the London Plan 2016, Policy CS14 of the Merton Core Strategy Policy 2011 and Policies DMD2 and DMD3 of the Merton Sites and Policies Plan 2014. These policies require, amongst other matters, proposals to ensure the living conditions of existing occupiers are not unduly diminished.

#### *Character and appearance*

8. Rear extensions are characteristic of the area; however, I have not been directed to any other examples of canopies attached to the rear elevation of other extensions within the area. Notwithstanding this, whilst the proposed canopy would create additional built form, it would be of an open and lightweight design stepped in from the side boundaries. Given this, I do not consider the proposed canopy would be appreciably out of keeping in regard of its scale, massing and appearance within the context of the surrounding area. Although it would add further built form to the host property, this would not be visually excessive. Consequently, I find that the proposed canopy would not significantly detract from the character and appearance of both the host property and the area.
9. For these reasons, I conclude that the proposed canopy would not harm the character and appearance of the host property and the area. The proposed development would comply with Policies 7.4 and 7.6 of the London Plan 2016, Policies CS14 of the of the Merton Core Strategy Policy 2011 and Policies DMD2 and DMD3 of the Merton Sites and Policies Plan 2014. These policies require,

amongst other matters, development to be of a high-quality design that relates positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surroundings buildings.

### **Conditions**

10. I have considered the planning conditions suggested by the Council in light of paragraph 56 of the Framework and the advice in the Planning Practice Guidance. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring that the development be carried out in accordance with the approved plans. A condition relating to materials is appropriate in the interests of the character and appearance of the area. The Council also suggests the imposition of a planning condition that would restrict access to the flat roof. I consider this would be appropriate both with regard to protecting the living conditions of neighbouring occupiers and character and appearance of the area.

### **Conclusion**

11. Having regard to the above the appeal should be allowed.

*Nicola Davies*

INSPECTOR