

Appeal Decision

Site visit made on 6 December 2016

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 14th December 2016.

Appeal Ref: APP/T5720/W/16/3158068

164 London Road, Mitcham, Merton CR4 3LD

- 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 S Khan against the decision of the Council of the London Borough of Merton.
 - The application Ref 16/P0106, dated 20 December 2015, was refused by notice dated 25 July 2016.
 - The development proposed is described as: "Demolition of existing outhouse in rear and the erection of a single storey 2-bedroom detached house with a lower basement".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. An amended plan has been submitted with the appeal; reference GM81-04 Rev D, which proposes a revised internal layout. However, it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought¹. This is to ensure that no party is prejudiced by being denied the right to comment on revised plans. Consequently, I have not taken the amended plan into account.

Main Issue

3. The main issue is whether the development would provide suitable living conditions for future occupants, with regard to outlook, daylight, internal floorspace and amenity space.

Reasons

4. The appeal site is a plot of land to the rear of No 164 London Road, which currently comprises a commercial unit on the ground floor, with residential accommodation above. No 164 occupies a corner plot and consequently the frontage of the site faces Eveline Road.
5. The development would involve the demolition of the existing outbuilding and the erection of a detached house. Living accommodation would be provided on three levels; the basement, the ground floor and within the loft. There would

¹ Procedural Guide: Planning appeals – England 31 July 2015, Annexe M

- be a small area of amenity space to the side of the house and a light well between the house and the front boundary with Eveline Road.
6. Policy DM D2 of the Local Plan² requires a minimum garden area of 50 square metres, as a single usable regular shaped amenity space. The development would include an area of amenity space, which would be between the house and the existing building at No 164. A light well at basement level would also be provided, which would be between the house and the frontage with Eveline Road. The open space provision would not meet the required standard, even when taking the light well into account. Consequently, there would be insufficient garden space for everyday activities such as sitting outside, hanging washing or for a small child to play. This would be detrimental to the living conditions of future occupants. I appreciate that there is a public park relatively near to the site, but this does not compensate for the lack of private amenity space within the development.
 7. Policy DM D2 also requires new residential development to have appropriate levels of sunlight and daylight. The main bedroom in the basement would contain two sets of sliding door facing into the light well. Due to the narrowness of the light well, the windows would be approximately 1.5m from the wall. This would affect levels of light and would present a poor outlook to the detriment of living conditions. I appreciate that the basement windows would be relatively large, in an attempt to allow more light into the room, but I am not satisfied this would be achieved due to the northerly aspect and the close proximity of the wall.
 8. The Council refers to the London Housing Supplementary Planning Guidance (SPG) (adopted March 2016), which provides guidance on the implementation of housing policies in the London Plan. The SPG sets out design criteria for new residential development, based on the nationally described space standard³. In relation to room and space standards for a two bedroom four person unit over three floors, the Council advises that the required minimum gross internal floor area would be 85 square metres. The development would have a floor area of 84.3 square metres, which largely meets the required standard. However, the Council considers that the use of the bedroom in the roofspace would be constrained by the ceiling height, which would not meet the relevant standard.
 9. I agree that the useable space within bedroom two would be restricted by the roof design. Nevertheless, it would function adequately as a second bedroom and I do not consider the size and design of the bedroom would materially affect the living conditions of future occupants. However, this does not overcome the other matters of concern, as described above.
 10. The appellant refers to a development at a nearby site, No 162 London Road, where planning permission appears to have been granted for an extension to provide flats. The full balance of considerations that informed that decision is not before me and I am unable to assess whether there are any similarities between that scheme and the appeal proposal. In any event, every application or appeal must be considered on the basis of its site specific merits.

² Merton Local Plan: Sites and Policies Plan (July 2014)

³ DCLG Technical housing standards: nationally described space standards (2015)

11. I have taken into account the letters of support from neighbours who wish to see the appearance of the site improved. However, this would not outweigh the conflict with planning policy set out above.
12. I conclude that the development would not provide a suitable standard of living accommodation, due to the limited levels of daylight and poor outlook to the main bedroom, and the lack of outdoor amenity space. This would have an adverse effect on the living conditions of future occupants and would be contrary to Policy DM D2 of the Local Plan, and Policies CS9 and CS14 of the Core Strategy⁴ which seek to support the provision of well-designed housing that complies with the most appropriate minimum space standards. The development would not meet the aims of Policies 3.5 and 7.6 of the London Plan (2015) which promote high quality residential development.
13. Therefore, for the reasons given above, the appeal is dismissed.

Debbie Moore

Inspector

⁴ London Borough of Merton Local Development Framework: Core Planning Strategy (adopted July 2011)