

Appeal Decision

Site visit made on 6 December 2016

by Alexander Walker MPlan MRTPI

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

Decision date: 16 December 2016

Appeal Ref: APP/T5720/W/16/3158600

121 Boundary Road, London SW19 2DE

- 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 Caroline Fitzpatrick against the decision of the Council of the London Borough of Merton.
 - The application Ref 15/P4556, dated 24 November 2015, was refused by notice dated 15 July 2016.
 - The development proposed is the conversion of terrace house into two flats, single storey rear extension, and erection of an 'L' shaped rear roof extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on housing provision in the Borough, with particular regard to the supply of family dwellings; the effect on the living conditions of the occupants of No 119 Boundary Road, with regard to outlook and the amount of light; and, whether it encourages sustainable transport modes, in particular through the provision of adequate cycle parking.

Reasons

Supply of Family Dwellings

3. The appeal property is a mid-terrace, two-storey dwelling situated within a predominantly residential area.
 4. The proposal would provide two flats; one on the ground floor, which would incorporate a single storey extension, and the second on the first and second floor, which would incorporate a roof extension that would include a roof terrace.
 5. Policy CS14 of the London Borough of Merton LDF Core Planning Strategy (CS) 2011 encourages well designed housing in the borough by requiring existing single dwellings that are converted into two or more smaller units to incorporate the re-provision of at least one family sized unit where resulting in the loss of an existing family sized unit. The justification for Policy CS14 states that due to an identified need for 3 bedroom units and the historic provision of smaller units, the policy seeks to retain the existing stock of family sized units.
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6. The proposed two flats would make a positive contribution to the supply of smaller units in the Borough. However, the Council has set out a clearly identified need for three bedroom family sized units. Neither of the flats would provide such a unit. Therefore there would be a loss of a family sized unit, contrary to Policy CS14. There is no evidence before me to indicate that there is an overall shortage of housing in the Borough that would outweigh the loss of a family sized unit.
7. I have had regard to the recent planning permission granted for a similar conversion of the adjoining property, No 123 Boundary Road¹, and the appellant's argument that this has set a precedent. Whilst the Council's approach to determining the two similar schemes appears to be inconsistent, I accept their acknowledgement that the lack of consideration of the effect of the development on the supply of family sized dwellings was an oversight. Although the loss of the family sized unit at No 123 Boundary Road undermines the Council's objective of retaining such units, to accept that this has set a precedent, on a basis of an oversight on behalf of the Council, would only further undermine this objective and significantly harm the provision of the identified housing need throughout the Borough.
8. I find therefore that the proposal would result in the loss of a family sized dwelling that would have a significantly detrimental effect on the availability of housing in the Borough to meet identified housing need. As such, it fails to comply with Policy CS14 of the CS.

Living Conditions

9. The proposed single storey extension on the rear of the property would be the full width of the rear garden and would project beyond the rear elevation of the existing single-storey, lean-to addition. As a result of its width, the extension would infill the recess in between the existing closet wing and the boundary with No 119 Boundary Road, with the exception of a small area to provide a lightwell.
10. At approximately 2.7m high, the extension would rise substantially above the boundary with No 119. Due to its significant depth and it abutting the boundary, the extension would dominate and have an overbearing effect on views out of the ground floor windows in the side and rear elevations within the recess of No 119. Consequently, this would significantly harm the outlook from these windows which would be detrimental to the usability of the rooms that they serve.
11. Furthermore, due to the narrow width of the recess at No 119 and the existing ground floor windows in its side and rear elevations, the proximity and height of the extension would significantly reduce the amount of daylight that serves these rooms. Whilst I accept that these windows would not presently receive much, if any, direct sunlight it would nevertheless reduce the amount of daylight, which would further harm the usability of these rooms.
12. Notwithstanding the lack of objection from the occupants of No 119, I have considered the effect of the proposal on the living conditions of both existing and future occupants.

¹ LPA Ref: 14/P0705

13. I find therefore that the proposal would significantly harm the living conditions of the occupants of No 119 Boundary Road, contrary to Policies DMD2 and DMD3 of the London Borough of Merton Sites and Policies Plan and Policies Maps (SPPPM) 2014, which, amongst other matters, seeks to ensure that development provides appropriate levels of daylight and quality of living conditions to both proposed and adjoining buildings and ensure that visual disturbance does not diminish living conditions.

Cycle Parking Provision

14. The proposal does not include any details regarding the provision of cycle storage facilities. Policy DM T1 of the SPPPM seeks to ensure that new development provides cycle parking in accordance with the standards set out in the London Plan. Table 6.3 of the London Plan 2015 sets out the cycle parking minimum standards. In accordance with these standards, the proposal should provide a minimum of 2 cycle parking spaces per unit.
15. The appellant contends that cycle parking spaces could be provided in the front courtyard and secured via a condition. If I was minded to allow the appeal, such facilities could possibly be sought via an appropriately worded condition. However, the front of the property is very small and there is no evidence before me to indicate that the required minimum spaces could be satisfactorily accommodated within this area.
16. I find therefore that as no cycle parking spaces are proposed, the proposal would fail to promote the use of sustainable transport modes, contrary to Policy DM T1.

Conclusion

17. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR