
Appeal Decision

Site visit made on 23 January 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 14 February 2017

Appeal Ref: APP/T5720/W/16/3160372
2 Fernlea Road, Mitcham CR4 2HE

- 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 Shaun Francis against the decision of the Council of the London Borough of Merton.
 - The application Ref 16/P0661, dated 9 February 2016, was refused by notice dated 29 June 2016.
 - The development proposed is demolition of the existing rear/side single storey extension to be replaced with a new single storey commercial unit that also extends to the existing side yard area.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effects on neighbours and the likely effects of servicing the retail premises.

Reasons

The effects on neighbours

3. The appeal site is currently occupied at ground floor by a retail shop which includes its store rooms to the rear, along with an open area at the rear of the site. The property sits at the corner of Fernlea Road and Sandy Lane, there is a school nearby but the area is otherwise residential.
4. The neighbouring property at No 4 Fernlea Road is in residential use and has its garden area adjacent to the rear part of the appeal site. Much of the boundary is occupied by the existing extensions to No 2 but the rear section, said to be just over 2m in length, is open. The proposal would occupy the entire length of the remainder of the boundary with No 4.
5. Even though the proposal would bring about a new extension, I consider that the additional built form along the remainder of the boundary with No 4 would inevitably affect the residents of No 4 when using the rear garden area. I have taken account of the feature pointed out by the appellant, including the shed at No 4 and the taller flats nearby, but I do not find that these have a bearing on the effect of the proposed extension, which I conclude would appear obtrusive and over-dominant. Therefore, in relation to this issue, the proposal would be

contrary to Policies DM D2 and DM D3 of Merton's Sites and Policies Plan and Policy CS14 of Merton's Core Strategy.

Servicing arrangements

6. The appellant states that the existing small corner shop is serviced from the road and from what I saw at my site visit, this would appear to be the case. The proposed new unit would similarly need to have deliveries made from the adjacent highway, as well as the collection of refuse and recycling material.
7. There are no parking restrictions on the adjacent section of the road that would prevent deliveries being made and for a unit of the modest size proposed, I would not expect that these could not be made by smaller commercial vehicles. From my consideration of the modest size of the retail units and from the highway conditions close to the appeal site, I am satisfied that servicing from the road would not necessarily be unsafe or inconvenient. In addition, taking account of the small size of the shop, it is likely that refuse and recycling could be stored inside and the absence of outside storage would cause no problems in my view; this is a matter that could be secured by condition, if the appeal were allowed. Therefore, in this particular case, I find no conflict with Policies CS 17 or CS 20 of the Core Strategy.

Conclusions

8. I have taken account of the appellant's comments relating to the better appearance of a new extension. However, I find that this, or any other matters, is not sufficient to overcome the unacceptable effects that would arise in relation to the living conditions of neighbours at No 4 Fernlea Road. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR