
Appeal Decision

Site visit made on 29 March 2017

by David Walker MA MRTPI

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

Decision date: 22nd May 2017

Appeal Ref: APP/T5720/W/16/3165333
266 The Broadway, London SW19 1SB

- 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 Danish Hanif of Golfrate Property Management against the decision of the Council of the London Borough of Merton.
 - The application Ref 16/P2220, dated 26 May 2016, was refused by notice dated 24 August 2016.
 - The development proposed is described as 'retrospective planning application to 12/P1910 – construction of two storey dwelling at the rear of 266 Broadway'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans were submitted with the appeal that make internal and external changes to the proposal. These have not been the subject of consultations. However, as the changes proposed are relatively minor and unlikely to prejudice the interests of other parties I have had regard to them in my determination of the appeal.
3. Having considered the amended plans the Council has confirmed these would overcome its fourth and fifth reasons for refusal relating to the lack of suitable cycle parking and refuse storage facilities.

Main Issues

4. I therefore consider the main issues to be:
 - i) whether the proposal would make satisfactory provision for car parking, and
 - ii) the effect of the proposal on living conditions having regard to privacy, and the availability of daylight, outlook and private external living space for future occupants

Reasons

Parking

5. The appeal property is located within an area of acknowledged parking stress as evidenced by the controlled parking zone operating in the surrounding streets. With two bedrooms the proposal would introduce an increased level of
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accommodation over that which was previously approved leading to additional parking demands.

6. With no on-site parking and poor availability of on-street parking such additional demands are likely to lead to inconsiderate or dangerous parking on the highway. Such parking as could lead to other road users having to make avoidance manoeuvres would be harmful to the free flow of traffic and to highway safety.
7. Although the appellant has indicated his acceptance of a planning obligation to restrict future occupants from holding a parking permit, nothing has been submitted. There is nothing before me therefore to mitigate for the harmful effects of the additional parking demands and as a result the proposal would make inadequate parking provision.
8. The proposal would therefore conflict with the requirements of Policy DM T2 of the Merton Sites and Policies Plan 2014 (SPP), Policy CS 20 the Merton Core Strategy 2011 (CS) and Policy 6.13 of the London Plan (LP). These policies seek to avoid development adversely impacting on the road network including safety, on-street parking, and traffic management considerations, amongst other matters.

Living conditions

9. The amended scheme includes a 1.7m high privacy screen positioned across the full width of the roof terrace. It would serve two purposes. Firstly, and in conjunction with new hedging in planters, it would prevent unwanted overlooking between the rear facing window of the existing accommodation and the patio doors of the proposed bedroom. Secondly, it would enclose an area of the roof terrace for the private use of the occupants of the proposal. In so doing it would secure a suitable area of external living space that would not be significantly overlooked.
10. From my site inspection it was apparent that reasonable levels of natural light were available to the ground floor living spaces of the proposal. There is no technical evidence of a lack of suitable daylight for me to find otherwise. Additionally, while the available outlook is restricted at ground floor level, this would not be harmful having regard to the availability of the roof terrace and the pre-existing characteristics of the densely built area.
11. With the submitted amendments, therefore, the proposal would have a satisfactory effect on privacy, and on the availability of daylight, outlook and private external living space for future occupants. Such measures would bring the scheme into accord with Policy DM D2 of the SPP, Policy CS 9 of CS and associated guidance, and Policies 7.4 and 7.6 of the LP that seek to secure a high standard of design in new housing and to ensure quality living conditions for existing and future occupiers. Policy CS 11 of the CS referred to in the Council's decision notice does not appear relevant to the development proposed.
12. I also acknowledge the revisions to the scheme substitute a single bedroom for the previously proposed double bedroom. This brings the scheme into accord with the space requirements of Policy CS 14 of the CS and Policy 3.5 of the LP, and associated guidance.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

David Walker

INSPECTOR