
Appeal Decision

Site visit made on 14 November 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 5th December 2017

Appeal Ref: APP/T5720/W/17/3180339
190 Merton High Street, London, SW19 1AX

- 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 Rashid Khan against the decision of the Council of the London Borough of Merton.
 - The application Ref 16/P4627, dated 27 November 2016, was refused by notice dated 26 April 2017.
 - The development proposed is change of external finish, internal and external changes to first floor flat, erection of second and third floor to create 2 bedroom flats and associated facilities at ground floor.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - (a) The character and appearance of the host building and the surrounding area;
 - (b) The living conditions of the occupiers of No 113 Hardy Road and No 192 Merton High Street with regard to loss of outlook and light, and;
 - (c) On-street parking stress in the area.

Reasons

Character and appearance

3. The appeal building occupies a corner position at the junction between Merton High Street and Hardy Road. The properties along Merton High Street are generally taller and contain a mix of commercial and residential uses, whereas Hardy Road comprises mostly 2-storey terraces. The appeal building is located at a transition point between these two character areas.
4. The proposed extension would significantly increase the height of the rear part of the building fronting Hardy Road. The mansard roof element would become the tallest part of the building and would project above the parapet of the element fronting Merton High Street. This would unbalance the appearance of the building, and the extension would be excessively dominant in this regard. It would also create a poor transition between the taller properties along Merton High Street, and the predominantly 2-storey dwellings along Hardy

Road. In particular, the tall north-facing flank wall would be visually prominent along Hardy Road and would tower over the neighbouring terraced properties. Whilst the addition of a mansard roof would be an appropriate design feature in principle, in this case it would create an excessively tall extension to the property.

5. My attention has been drawn to a development on the corner of Merton High Street and Haydon's Road that also incorporates a mansard roof. However, that development is only 3 stories in height, and the Merton High Street frontage remains the tallest part of the building. It is therefore not directly comparable to the current appeal development.
6. For the above reasons, I conclude that the development would significantly harm the character and appearance of the host building and the surrounding area. It would therefore be contrary to Policies DM D2 and DM D3 of the Merton Sites and Policies Plan and Policies Maps (2014). These policies seek to ensure, amongst other things, that new development relates positively to the surrounding buildings and that extensions complement the design and detailing of the original building.

Living conditions

7. The extension would raise the height of the building in close proximity to a number of existing residential properties. The properties that would be most directly affected are No 113 Hardy Road to the north, and a first floor property in No 192 Merton High Street to the west.
8. The appellant has submitted a Daylight & Sunlight Assessment in support of the development. This concludes that 26 of the 27 windows assessed would not experience a significant reduction in light as a result of the development. However, a window in No 192 Merton High Street would experience a significant deterioration in light as a result of the increased height of the western flank wall in close proximity to it. This loss of light would be significantly detrimental to occupiers of that property in my view, and would not be justified by its urban setting.
9. In addition, the raised northern flank wall would be in close proximity to No 113 Hardy Road. The submitted Daylight & Sunlight Assessment has not assessed the effect of the development on the light that would reach the rear garden area of this property. However, given the height of the proposed north-facing flank wall, it is likely that there would be a significant reduction in light and overshadowing to the rear of No 113. The height of the extension would also contribute significantly to a harmful sense of enclosure at the rear of that property.
10. Separately, the proposed windows in the north and western elevations would be obscurely glazed and would serve either corridors or balconies. They would not therefore result in any significant overlooking to neighbouring properties.
11. For the above reasons, I conclude that the development would significantly harm the living conditions of the occupiers of No 113 Hardy Road and No 192 Merton High Street. It would therefore be contrary Policy DM D2 of the Merton Sites and Policies Plan and Policies Maps (2014). This policy seeks to ensure, amongst other things, that new development provides for appropriate levels of sunlight and daylight to both proposed and adjoining buildings and gardens.

On-street parking stress

12. The Council and a number of interested parties state that there is currently a significant level of on-street parking stress in the area. The appellant acknowledges this and has suggested that this matter could be dealt with by a condition that would require a planning obligation to be entered into. However, the Planning Practice Guidance (PPG) states that a condition which limits the development that can take place until a planning obligation has been entered into is unlikely to be appropriate in the majority of cases. Such a condition would require "*exceptional circumstances*", and "*may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk*".¹
13. In this case, no argument has been put to me that exceptional circumstances exist in order to justify such a condition. Moreover, it is clear that the development would not constitute "*more complex and strategically important development*". Accordingly, the use of a planning condition of this nature would not be appropriate in this case.
14. In the absence of a planning obligation, there is no mechanism to restrict on-street parking associated with the development. It would therefore contribute significantly to on-street parking stress in the area, contrary to Policy DM T3 of the Merton Sites and Policies Plan and Policies Maps (2014). This policy seeks to ensure, amongst other things, that permit free development does not have an adverse effect on the level of on-street parking.

Conclusion

15. As set out above, I conclude that the development would significantly harm the character and appearance of the host building and the surrounding area, would significantly harm the living conditions of neighbouring occupiers, and would contribute significantly to on-street parking stress. Whilst there would be a benefit in terms of the provision of new housing in an accessible location, and some limited economic benefits, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR

¹ Paragraph: 010 Reference ID: 21a-010-20140306