



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: 7th December 2017

Appeal Ref: APP/T5720/W/17/3180773

57 Approach Road, Raynes Park, London, SW20 8BA

- 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 Chris Barker against the decision of the Council of the London Borough of Merton.
 - The application Ref 17/P0747, dated 17 February 2017, was refused by notice dated 3 May 2017.
 - The development proposed is the erection of a two bedroom, two storey dwelling.
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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 living conditions of future occupiers of the development with regard to adequate natural light, internal living space, and outdoor amenity space;
 - (b) The living conditions of neighbouring occupiers with regard to loss of outlook, natural light, and privacy; and
 - (c) The character and appearance of the area.

Reasons

Living conditions – future occupiers

3. The proposed dwelling would be served by a small garden area of 8.8 square metres in size, with a first floor balcony positioned directly above (6.3 square metres in size). In total this would provide 15.1 square metres of private amenity space.
4. The justification to Policy DM D2 of the Merton Sites and Policies Plan and Policies Maps (2014) states that the Council will seek a minimum garden area of 50 square metres for all new houses. The development would clearly fail to provide this. However, the appellant states that the small size of the amenity space is mitigated by the proximity of Prince George's Playing Fields, which is within walking distance. However, the dwelling would contain 2 bedrooms and would therefore be capable of accommodating a family with children. In this regard, the proximity of nearby playing fields is not a substitute for private and secure garden space for family use.

5. In addition, I have concerns about the quality of the amenity space that is proposed. In particular, the garden area would be enclosed on all sides by a 1.8 metre high fence. It would also be almost entirely covered by the first floor balcony, which is positioned above. This arrangement would allow very little light into the garden, which would create a dark and unwelcoming space. Whilst a fence with an incorporated trellis has been suggested by the appellant, this would still only allow in a limited amount of light. This would result in an inadequate standard of outdoor amenity space for future occupiers.
6. The largest bedroom would be served by sliding doors that would open out onto the proposed garden area. There would be no other source of light to this room. Given the height of the boundary fence, and the position of the balcony, this room would receive poor levels of light and outlook. Moreover, the bathroom window would face directly onto a fence, and there would be a lack of natural light to the entrance hall. This would leave the majority of the downstairs of the property subject to poor levels of natural light.
7. With regards to the internal floor space of the dwelling, the submitted plans indicate a gross internal area of 83.9 square metres, comprising of 46.6 square metres at ground floor level and 37.3 square metres at first floor level. However, the Council state that only 28.3 square metres at first floor level would have a ceiling height above 2.3 metres. This would bring the development below the minimum size threshold for a 2 bedroom 4 person apartment. In response, the appellant states that the figures provided on the submitted plans are inaccurate and that the internal ground floor area is in fact smaller, and compliant with the minimum size for a 3 person unit. However, I note that a smaller ground floor area would also be expected to result in a smaller first floor area. In this regard, and in the absence of further details, it is unclear whether the dwelling would achieve the required minimum standard for a 3 person unit. I cannot therefore conclude that this requirement is met.
8. For the above reasons, I conclude that the development would provide inadequate living conditions for future occupiers of the development with regard to natural light, internal living space, and outdoor amenity space. It would therefore be contrary to Policy 3.5 of the London Plan, Policies CS 9 and CS 14 of the Merton LDF Core Planning Strategy (2011), and Policy DM D2 of the Merton Sites and Policies Plan and Policies Maps (2014). These policies seek to ensure, amongst other things, that new development is well designed, meets specified internal space standards, provides adequate garden space, and adequate internal amenity.

Living conditions – neighbouring occupiers

9. The development would raise the height of the existing single storey element in order to create a 2-storey dwelling. This would include the introduction of a large pitched roof, the apex of which would be 6.9 metres in height (according to the submitted plans).
10. The development would create a balcony at first floor level that would be above the height of existing rear extensions along the terrace. This balcony would have largely uninterrupted views to the west across the rear of neighbouring gardens. It would therefore result in a significant level of overlooking that would be harmful to the privacy of neighbouring occupiers. Whilst it is suggested that the glass screens surrounding the balcony could be obscurely glazed, these are only shown as being around a metre in height on the

submitted plans. Obscure glazing would not therefore prevent overlooking from the balcony. Moreover, the introduction of taller privacy screens could significantly reduce the outlook from the first floor living/kitchen/dining area of the dwelling. This could further harm the living conditions of future occupiers of the development. In these circumstances, it is not clear that this matter is capable of being dealt with by condition.

11. Separately, whilst the development would be visible along the terrace, and would cast a shadow in the early part of the day, this would most directly affect the rear of No 57. However, the yard to this property appears to be in mostly commercial use and is largely taken up by a single storey flat roof structure. Properties further along the terrace would be less directly affected, and the pitched shape of the roof would provide some mitigation in this regard.
12. For the above reasons, I conclude that the development would significantly harm the living conditions of adjoining occupiers with regard to loss of privacy. It would therefore be contrary to Policy 7.4 of the London Plan, Policy CS 14 of the Merton LDF Core Planning Strategy (2011), and Policy DM D2 of the Merton Sites and Policies Plan and Policies Maps (2014). These policies seek to ensure, amongst other things, that new development provides an appropriate level of privacy to adjoining buildings and gardens.

Character and appearance

13. The appeal site currently presents a featureless brick wall to Gore Road that is approximately 3 metres in height. This is not a particularly attractive feature in the street. Whilst there is an open area above this, views across the rear of the terrace are restricted by the height of the existing wall. Residual views over this space are not of significant value, and the proposed dwelling would be broadly consistent with the height of development along Gore Road. The partial infilling of this gap would not therefore result in any significant harm to the street scene in my view.
14. I conclude that the development would not significantly harm the character and appearance of the area. It would therefore accord with Policies 7.4 and 7.6 of the London Plan, Policy CS 14 of the Merton LDF Core Planning Strategy (2011), and 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 its setting, makes a positive contribution to the street, and that extensions to existing buildings compliment the design of the host property.

Conclusion

15. For the reasons set out above I conclude that the development would not provide adequate living conditions for future occupiers of the development, and would harm the living conditions of neighbouring occupiers. Whilst the development would not significantly harm the character and appearance of the area, and would make a small contribution to the supply of housing, this does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR