



Appeal Decision

Site visit made on 31 January 2018

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 21st February 2018

Appeal Ref: APP/T5720/W/17/3180823

150 - 152 Haydons Road, South Wimbledon, London, SW19 1AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr S Yousif against the Council of the London Borough of Merton.
 - The application Ref 16/P4470, is dated 16 November 2016.
 - The development proposed is alteration to top floor to form a two bedroom flat with external alteration including rear roof terrace and revision to basement level -2 to form storage ancillary to the building.
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Decision

1. The appeal is allowed and planning permission is granted for alteration to top floor to form a two bedroom flat with external alteration and revision to basement level -2 to form storage ancillary to the building at 150 - 152 Haydons Road, South Wimbledon, London, SW19 1AE in accordance with the terms of the application, Ref 16/P4470, dated 16 November 2016, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plan; B001 rev A; B002 rev B; B003 rev B; B004 rev B; B005 rev B.
 - 3) The facing materials to be used for the development hereby permitted shall be those specified in the application form.
 - 4) Access to the flat roof shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio, or other amenity area.
 - 5) No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.

Procedural Matters

2. I note that there is a dispute between the Council and the appellant regarding the lawfulness of the existing building. However, I have been appointed to determine an appeal against non-determination of an application for "alteration to the top floor to form a two bedroom unit with external alteration including a

rear roof terrace and revision to the basement level to form storage ancillary to the building". The application before me does not seek either to increase the height of the approved building, or to retain it as it currently stands. Moreover, it is not my role in this appeal to determine the lawfulness of the building. Whether or not the building is now at the height that was permitted in 2011 is therefore not a relevant consideration in determining this appeal. I shall confine my consideration accordingly to only what has been applied for. In the event that this appeal is allowed, the lawfulness of the building as it currently stands, and any implications of that for the implementation of this planning permission, are separate matters between the Council and the appellant.

3. My formal decision omits reference to a "*rear roof terrace*" as this element was removed from the scheme via amended plans submitted at the application stage.

Application for costs

4. An application for costs was made by Mr S Yousif against the Council of the London Borough of Merton. This application will be the subject of a separate decision.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the host property and the surrounding area.

Reasons

6. The appeal site occupies a corner position on a crossroads at the junction of Haydons Road and South Park Road. At present, the third floor of the appeal building contains 2 studio apartments, which are proposed to be amalgamated to form a single 2-bedroom apartment.
7. A number of alterations are proposed to the fenestration on the southern elevation of the building, including the introduction of a bi-folding doors and a Juliet balcony. These alterations are relatively minor in nature and are not prominent in views from public vantage points. The alterations would not be readily perceptible and would have a neutral effect on the appearance of the building in my view.
8. For the above reasons, I conclude that the development would not significantly harm the character and appearance of the host property or the surrounding area. It would therefore accord with Policies DM D2 and DM D3 of the Merton Sites and Policies Plan (2014) and policy CS14 of the Adopted Merton Core Strategy (2011). These policies seek to ensure, amongst other things, that development respects the character of the area and relates positively to surrounding buildings.

Conditions

9. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary in the interest of certainty. A further condition relating to the proposed materials is necessary in order to protect the character and appearance of the area. I have also attached conditions that restrict the use of the flat roof areas

of the building, and the hours of construction, which are necessary in order to protect the living conditions of neighbouring occupiers.

Conclusion

10. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield INSPECTOR