



Appeal Decision

Site visit made on 9 May 2019

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2019

Appeal Ref: APP/T5720/W/19/3222829

5 Bewley Street, London SW19 1XF

- 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 Woolbro Morris Limited against the decision of the Council of the London Borough of Merton.
 - The application Ref 18/P3139, dated 7 August 2018, was refused by notice dated 17 December 2018.
 - The development proposed is the erection of dormer windows to the roofs of Blocks 3, 5 and 7 in connection with the formation of 7 self-contained flats (Class C3) within the existing roofspace and erection of a single storey detached cycle store.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of dormer windows to the roofs of Blocks 3, 5 and 7 in connection with the formation of 7 self-contained flats (Class C3) within the existing roofspace and erection of a single storey detached cycle store at 5 Bewley Street, London SW19 1XF in accordance with the terms of the application, Ref 18/P3139, dated 7 August 2018, subject to the conditions in the attached schedule.

Procedural Matter

2. The description of development, taken from the appeal form, is slightly reworded from that of on application form, however the appellant has confirmed their agreement to the change.
3. A Unilateral Undertaking (UU), dated 28 February 2019 was submitted during the course of the appeal concerning car parking permits, and I have had regard to this.

Main Issue

4. Whether the proposal would provide for a satisfactory standard of accommodation, with particular regard to the size of the units, ceiling heights, outlook and daylight/sunlight.

Reasons

5. The three blocks form part of a complex of apartments which extend up to four storeys located along Bewley Street and adjacent to the river Wandle. The additional units would be located within the existing roof space and the only external changes to the building would be the insertion of dormer windows and rooflights.

6. All of the units, 6 x 1 bed and 1 x 2 bed meet the minimum overall size thresholds set out in the London Plan and Nationally Described Space Standards (Space Standards). Due to the pitched roof the units would not have a consistent ceiling height. The area within the units with restricted headroom does vary; primarily part of the bedroom and kitchen areas for flats in block 3 and the bathroom and living space in blocks 5 and 7.
7. The Space Standards advise a minimum ceiling height of 2.3m for at least 75% of the Gross Internal Area although it does not set out any specific details with regard to these areas. All the units would accord with this requirement and the ceiling height would slope with headroom graduating from 1.5 to 2.3m, therefore the area with the most restrictive height of 1.5m would be limited.
8. All rooms are served by windows, and the units are either double or triple aspect. The living spaces have two dormer windows and would provide an unrestricted outlook from those windows. Whilst the bedrooms to the units in block 3 are served by a rooflight I do not find that this would be harmful to the overall living conditions for future occupiers given the outlook afforded from the units as a whole. Additionally, the appellant has provided a Daylight Report which demonstrates that all rooms will receive levels of daylight in excess of the Average Daylight Factor threshold criteria, and that the units would receive sunlight throughout the year.
9. The proposed units might be smaller than the existing units within the blocks, but they will provide choice and contribute to the general housing stock and mix. Refuse and cycle storage is to be provided to increase capacity for the additional occupiers; details of which can be secured by condition.
10. Overall, I find that the development would provide a satisfactory standard of accommodation for future occupiers and that there would be no detrimental harm to the existing occupiers. Thus, I find no conflict with design policies DM D2 of the Sites and Policies Plan 2014, and Policy CS 14 of the Core Strategy 2011 which seek to achieve high quality design, to ensure provision of quality living conditions and to protect the amenity of adjoining properties.

Other matters

11. No parking would be provided for the proposed units. The wider development has car parks with allocated parking spaces, although parking along Bewley Street is unrestricted. I acknowledge third parties' concerns that there is existing pressure for spaces and that this area is not part of a controlled parking zone (CPZ). It is, however, noted that the Council's Transport Planning Officer indicates that a CPZ is unlikely as there is no demand and the appellant's overnight parking survey shows a peak total parking demand of 54% with 76 parking spaces available. I accept, as noted by third parties, that some of the roads surveyed are some distance from Bewley Street to the other side of a park and therefore are unlikely to be a practical option. Notwithstanding this, based on car ownership data the proposal would only generate a demand for 4 spaces. Occupiers would have access to facilities in the local area and alternative means of transport including Colliers Wood underground station, and the scheme includes the provision of additional cycle storage. There is no evidence that any additional parking demand arising from the development would lead to a material harm to highway safety or would otherwise conflict with other development plan policies. Nevertheless, if parking issues in the area significantly changed and a CPZ was introduced the UU

would prohibit occupiers of the development from applying for a permit and thereby maintaining the current situation.

12. The provision of additional units within the existing blocks will increase occupancy and lead to a small increase in activity and the potential for increased noise and disturbance for the neighbouring properties. However, these are primarily units for single occupancy, and I do not consider, nor is there any evidence to suggest, that this would be to a level which would be harmful to the existing occupiers. Noise during construction would be temporary and the construction would be subject to building regulations requirements in relation to sound proofing and fire safety aspects.

Conditions

13. The Council has suggested a number of planning conditions which I have considered against the relevant advice in the Planning Practice Guidance. As a result, I have amended and combined some of them for clarity and brevity.
14. Conditions are necessary in the interests of compliance with statutory requirements relating to the commencement of development [1], certainty [2] and to ensure the materials match the existing building [3]. Conditions are also necessary to agree the design and provision of the cycle and bin storage [4] and to secure energy and water efficiency within the development [5]. Also, to minimise any noise and disturbance to neighbouring occupiers a condition is included to control the construction hours [6]. However, no landscaping is proposed as part of this development and therefore a landscaping condition is not appropriate.

Conclusion

16. For the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be allowed, and planning permission granted.

G Ellis

INSPECTOR

Conditions Schedule - APP/T5720/W/19/3222829

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development shall be undertaken in accordance with the following plans:- (00) 100 Rev D; (20) 20 Rev C; (20) 21 Rev E; (20) 22 Rev E; (20) 23 Rev C; (20) 40 Rev B;(20) 41 Rev E; and (20) 42 Rev E.
3. The external surfaces of the development hereby permitted shall match the existing building.
4. Details of the design of the cycle and refuse store shall be submitted to and approved in writing by the local planning authority. The store shall be made available for use prior to the occupation and maintained thereafter.
5. No part of the development hereby approved should be occupied until evidence has been submitted to and agreed in writing by the local planning authority confirming that the development has achieved CO2 reductions of not less than a 19% improvement on Part L regulations 2013, and internal water consumption rates of no greater than 105 litres per person per day.
6. Construction works shall take place only between 8am and 6pm Monday to Friday and 8am to 1pm on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.