
Appeal Decision

Site visit made on 30 May 2019

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2019

Appeal Ref: APP/T5720/W/19/3223502

Lee House, 2 Lancaster Avenue, London SW19 5DE

- 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 Miss Joanna Bold of the Abbeyfield Society against the decision of the Council of the London Borough of Merton.
 - The application Ref 17/P1602, dated 13 April 2017, was refused by notice dated 29 August 2018.
 - The development proposed is an extension to an existing residential care home to provide additional en-suite bedrooms, plus additional communal areas.
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Procedural Matter

1. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the erection of a 2-storey extension to provide 6 en-suite bedrooms, the formation of a new reception area and alterations to the roof profile above the cottage/stable block, and the laying out of a parking area.

Decision

2. The appeal is dismissed in so far as it relates to the erection of a 2-storey extension to provide 6 en-suite bedrooms. I allow the appeal in so far as it relates to the formation of a new reception area and alterations to the roof profile above the cottage/stable block and the laying out of a parking area and planning permission is granted for the formation of a new reception area and alterations to the roof profile above the cottage/stable block and the laying out of a parking area at Lee House, 2 Lancaster Avenue, London SW19 5DE in accordance with the terms of the application, Ref 17/P1602, dated 13 April 2017, and the plans submitted with it in so far as they relate to the development approved, subject to the conditions set out in the attached schedule.

Main Issues

3. The main issues in this case are:
 - (i) the effect of the proposal on highway safety, with particular regard to parking and traffic generation; and
 - (ii) whether the proposal would preserve or enhance the character or appearance of the Merton (Wimbledon North) Conservation Area.

Reasons

Highway safety

4. The appeal property, Lee House, is a residential care home that provides a total of 31 bedrooms comprising 27 registered bedspaces, a staff bedroom, a guest room and two further bedrooms. The appellant's submission indicates that the care home has 29 employees, which include caring, administration, maintenance, kitchen, domestic, laundry and activity coordinating staff. Up to a maximum of 15 staff are on site at any one time, which reflects the fact that the home provides 24-hour care and carers work in shifts. A survey indicates that more than half of the staff travel to and from the site by private car. I note though that the shift patterns will mean that many journeys to and from the property will take place outside peak times. The appellant advises that there are, on average, about 8 visitors per day on weekdays rising to 10 at weekends.
5. The proposal would create 6 new bedrooms in a 2-storey extension at the rear of the site. This, together with some internal re-configuration, would result in 34 registered bedspaces and one guest bedroom. The increase in occupancy of the care home would result in an increase in staff numbers and visitors. The application drawings show the formalisation of the parking arrangements within the site to provide 8 spaces, one of which would be disabled compliant. The information before me indicates that this level of on-site car parking would not be sufficient to cater for staff and visitors at all times. There is therefore a likelihood that the proposal would result in a small increase in demand for car parking spaces in the surrounding streets.
6. The appellant has provided a completed Unilateral Undertaking which, together with a planning condition, would secure a Travel Plan. Amongst other matters this would encourage car sharing amongst staff, provide up-to-date public transport information to staff and visitors, manage delivery times and implement measures to encourage cycling. In particular, I note that the Travel Plan would include information for visitors on the location of pay and display parking bays in surrounding streets and could also advise visitors when peak levels of parking stress occur. The Travel Plan therefore has the potential to reduce future levels of car use and/or influence the times at which visitors chose to visit the care home. I therefore accord significant weight to this.
7. The appeal property is situated in a short, gated cul-de-sac. The information before me indicates that users of the appeal property, the other 2 houses in the road and the neighbouring pair of properties in Lancaster Road are permitted to park in this private road. Based on my observations and the information before me there would appear to be capacity for care home staff and visitors to park in this road. At times when this would not be possible, visitors would need to park in the surrounding streets where there are a significant number of pay and display parking spaces within walking distance of the appeal site.
8. Car parking surveys indicate that at peaks times more than 80% of the nearby car parking space are occupied. However, these surveys also indicate that for the vast majority of the time there are an ample number of spaces available for visitors to the care home to use. Given the relatively low levels of visitors that would result from the enlargement of the care home, and taking into account the Travel Plan, I am satisfied that visitors wanting to park close to the appeal

property at peak times would not cause unacceptable levels of harm to road safety in the area.

9. I recognise that the care home generates delivery and waste collection trips. Whilst the proposal would no doubt result in an increase in the amount of food and other provisions required by the home, and an increase in waste produced by it, this would not necessarily result in additional traffic as the current delivery and collection services would, on the whole, simply deliver more provisions and collect more waste. I note also that as part of the Travel Plan, delivery times could be managed therefore reducing the likelihood of large vehicles arriving at the same time.
10. For the reasons set out above, I conclude that the proposal would not result in unacceptable harm to highway or pedestrian safety in the area. It therefore accords with Policy CS20 of the London Borough of Merton Core Planning Strategy (2011) which seeks effective traffic management by, amongst other matters, requiring developers to demonstrate that the proposal will not adversely affect safety and on-street parking. This policy also seeks planning obligations to mitigate the impact of development proposals. The proposal also accords with Policies DM T2 and DM T3 of the Merton Sites and Policies Plan (2014) which promote sustainable development by means including the provision of Travel Plans and seeking suitable and managed levels of parking.

Character and appearance

11. Lee House comprises a handsome and imposing villa that faces Lancaster Avenue, a former stable block to one side, and a substantial rear wing that was added in the early 1990s and extends close to the side and rear boundaries of the site. There is a large and pleasant garden to the rear that slopes downwards towards the rear boundary and is enclosed by substantial trees. The main part of the building is locally listed.
12. The property is situated in the Merton (Wimbledon North) Conservation Area (MCA). Lancaster Avenue is a short gravel road with grass verges which is entered via a gate from Lancaster Road. It provides access to the appeal property and 2 other locally listed buildings, all of which are large, detached, set back from the road and set well apart. This arrangement, together with the mature planting and wide gravel road, gives this part of the MCA a notably spacious and verdant character and appearance, factors that contribute to the significance of the MCA. Albeit not readily visible from the road, the garden space at the rear of the appeal site forms part of this significance.
13. The proposal would primarily comprise the erection of a 2-storey extension to the 1990s addition to provide 6 additional bedrooms with en-suite facilities. This element would extend along the rear boundary of the site thus resulting in the garden being enclosed by development on 3 sides. Whilst I am satisfied that an acceptable amount of outdoor space would be retained for the use of the residents of Lee House, the proposal would result in a significant proportion of the site being developed which would be at odds with the pattern of development in the area, and would significantly reduce the spaciousness, and detract from the verdant character, of the area.
14. The 2-storey addition would be taller than the part of the existing building to which it would be attached, would have a deeper plan form and include prominent bay/dormer features. Whilst I note that the 1990s extension makes

a limited contribution to the appearance of the MCA and the host building, it has a reasonably diminutive and domestic scale. Due to its footprint, bulk, height and design the proposed extension would not adequately respect this scale and would not be adequately subservient to the main original building.

15. Due to its siting, footprint, height, bulk and design, I therefore conclude that the 2-storey extension would fail to preserve the character and appearance of the MCA. It therefore fails to comply with Policy CS14 of the London Borough of Merton Core Planning Strategy (2011) (CPS) and Policies DM D2, DM D3 and DM D4 of the Council's Sites and Policies Plan (2014) (SPP). Amongst other matters these policies expect development to complement the character and appearance of their settings and conserve, and where appropriate enhance Merton's heritage assets and distinctive character.
16. The proposal would also include the formation of a reception area and alterations and additions to the cottage/stable block to the side of the main building. These works would be relatively minor and would either entail the formation of largely glazed spaces and/or would not be readily visible from within or outside the appeal site. Whilst I note that the reception area element would be connected to the locally listed portion of the property, there would not be undue harm to the fabric or setting of this element. For these reasons I am satisfied that these aspects of the proposal would preserve the character and appearance of the MCA and therefore accord with the aforementioned policies.
17. Whilst the main part of the proposal would fail to preserve the character and appearance of the Conservation Area the resulting harm would be less than substantial. Paragraph 196 of the National Planning Policy Framework (2019) states that less than substantial harm to the significance of designated heritage assets should be weighed against the public benefits of a proposal.
18. I recognise that the proposal would provide additional specialist housing and that the Framework cites a need to deliver a wide choice of housing for different groups, including older people. I note that Planning Practice Guidance identifies the need to assess the range of types and tenures of accommodation needed for older people and that the aim of SPP Policy DM H1 is to provide a variety of accommodation with different levels of support or care that is appropriate to the needs of the potential residents.
19. I can appreciate that the provision of housing for older people can result in the release of under-utilised family housing and the proposal would provide a small uplift in employment levels. However, there is nothing before me to demonstrate that there is a local need for the type of private accommodation that would be provided by the proposal or that the additional rooms would have any meaningful effect on the supply of housing for those in housing need in the area. For these reasons, I do not consider that the public benefits of the proposal would be sufficient to outweigh the harm I have found.

Summary

20. I have concluded that the proposal, viewed as a whole, would not result in unacceptable effects on highway safety but that the 2-storey extension would fail to preserve the character and appearance of the MCA. The additions and alterations to the cottage/stable block and formation of a reception area would however preserve the character and appearance of the MCA. As these aspects

of the proposal, and the parking layout, are clearly both physically and functionally severable from the rear addition, these aspects of the proposal can be allowed and a split decision issued.

Other Matters

21. Concerns have been raised regarding the impact of the proposal on trees and the living conditions of neighbouring residents, in respect of privacy. I am satisfied that the works to the cottage/stable block would not result in any harm in these respects.

Conditions

22. I have considered the conditions suggested by the Council having regard to the Framework, Planning Practice Guidance and the scale of development for which planning permission has been granted. In addition to the standard time limit condition, for the avoidance of doubt and in the interests of proper planning, a condition requiring the aspects of the development approved to be carried out in accordance with the approved plans is imposed. To protect the character and appearance of the MCA and the locally listed building a condition requiring approval of details and materials is necessary.
23. As the development approved would primarily involve infilling at first floor level and between existing buildings I see no need for tree protection measures or a landscaping scheme. As the approved development would result in a small increase in floorspace the proposed conditions relating to cycle and car parking, the Travel Plan and Construction Logistic Plan are not necessary. However, given the appeal property is located within a residential street I consider it necessary to place limitations on construction working hours and vehicles.

Conclusion

24. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail in respect of the 2-storey extension to provide 6 additional en-suite bedrooms, but succeed in respect of the formation of a new reception area and alterations to the roof profile above the cottage/stable block and the laying out of a parking area. A split decision is therefore issued.

S Poole

INSPECTOR

Schedule of planning 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, in so far as they relate to the formation of a new reception area and alterations to the roof profile above the cottage/stable block, and the laying out of a parking area: P50190/03_0002D, 0003C, 0004B, 0006B, 0007, 0010C, 0011C, 0020B.

- 3) No development shall take place until details and samples of the materials to be used for the development hereby permitted, including details of the glazed element (notwithstanding any materials specified in the application form and/or approved drawings), have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 4) No demolition or construction work shall take place on the site, including the starting of machinery and delivery of materials, outside the following times:-
Monday to Friday 0800 hours – 1800 hours
Saturday 0800 hours – 1300 hours
Sundays, Public and Bank Holidays – no work
- 5) The development shall not commence until details of the provision to accommodate all site workers', visitors' and construction vehicles and loading /unloading arrangements during the construction process have been submitted to and approved in writing by the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process.