

Appeal Decision

Hearing Held on 19 June 2019

Site visit made on 19 June 2019

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal Ref: APP/T5720/W/18/3209703

Former Sparrowhawk Site, 159 Commonsides East, Mitcham, London CR4 2QB

- 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 G&L Homes Development against the decision of the Council of the London Borough of Merton.
 - The application Ref 17/P2574, dated 3 July 2017, was refused by notice dated 22 June 2018.
 - The development proposed was described as "demolition of the existing buildings (Use Class C3 and Use Class B2) and re-development of the site to provide 29 self-contained residential units (Use Class C3) with associated parking and landscaping."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was amended during consideration by the Council such that it now proposes 28 dwellings. The Council considered the application on that basis and so shall I.
3. A draft London Plan has been issued. The plan is yet to be adopted, and in the absence of any further information about its progress, I have given it limited weight in coming to my decision.
4. The National Planning Policy Framework (the Framework) was published following the decision of the Council. The Council and appellant had the opportunity to comment and I have taken its contents into account in coming to my decision.

Main Issues

5. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area;
 - Whether prospective occupiers would enjoy satisfactory living conditions, having particular regard to outside amenity space and the orientation of the proposed flats; and

- The effect of traffic and parking relating to the flats on the safe and efficient operation of the highway network in the vicinity of the appeal site.

Reasons

Character and appearance

6. Commonsides East separates the large open area of Mitcham Common from the primarily residential development in the area around the former Sparrowhawk site. A parallel spur to Commonsides East provides access to the site on the junction with Hallowell Close. Beyond Hallowell Close is the railway line. Commonsides East rises up an embankment to the front of the site on the approach to the road bridge over the railway. The appeal site is separated from Commonsides East by an area of hardstanding used for informal parking and the grass and treed embankment. The railway bridge and embankment afford views over the Common and urban area around the appeal site. This topography and layout of the roads means that, although on the corner of the road, the site is relatively discrete.
7. Development in the urban area around the appeal site comprises predominantly two storey terraced and semi-detached houses, some with dormer windows and windows in the roof. The appearance of the dwellings along Hallowell Close are similar that gives a particularly consistent character and appearance to that road. There is more variety to the appearance of the individual surrounding buildings in the wider area, including Commonsides East. Nevertheless, they are of a very similar scale that results in a consistent domestic character to the area.
8. The proposal would result in a large building of contemporary architecture extending across much of the frontage to Commonsides East and almost the full depth of the site along Hallowell Close. The design has sought to break up the elevations into smaller sections with front doors to the ground floor flats, reflecting the layout and appearance of the terraced and semi-detached dwellings in the surrounding area. Details of the design seek to reflect the bay windows and other detailed features on many of the surrounding properties, albeit in a contemporary style.
9. Nevertheless, the building would be three storeys with a flat roof and partial fourth storey that would be most prominent on the section fronting Commonsides East. The fourth storey would be set back to reduce its prominence. However, the flat roof above the third storey would be higher than the ridge of the neighbouring former public house, separated from the building by the access to the car park. This would result in the building being prominent in views along Commonsides East.
10. The third floor is set back from the side elevation adjacent to the nearest dwelling on Hallowell Road. However, although the overall height on this elevation is similar to that neighbouring house, the flat roof over the second storey would be higher than the eaves of that house. Taking account of the proximity of the two buildings, this would result in the relationship between them appearing somewhat incongruous.
11. I note suggestion that the location of the site on the junction means that there is potential for a statement building. However, as set out above the topography of the area means that this is a discrete site. On that basis, such a bulky

statement building would stand out from its surroundings and add to that incongruity.

12. I note that there are other buildings of similar height in the wider area, but these tend to be part of larger developments. I have considered the character and appearance of the proposals on their individual merits within the immediate surroundings in which they will principally be experienced.
13. For these reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area. As a result, the development would conflict with Policy CS 14 of the Merton Core Planning Strategy (CPS), Policy DM D2 of Merton's Local Plan Sites and Policies Plan (SPP) and Policies 3.5, 7.4 and 7.6 of the London Plan that seek high quality design that would respect, reinforce and enhance the local character of the area and be of the highest architectural quality.

Living conditions

14. Policy 3.5 of the London Plan seeks to ensure housing developments are of the highest quality, including that they should meet accessibility, adaptability and minimum space standards. Policy DM D2 of the SPP seeks to ensure appropriate provision of outdoor amenity space that accords with appropriate minimum standards as well as ensuring provision of appropriate levels of sunlight and daylight, quality of living conditions and amenity space. The Mayor of London's Housing Supplementary Planning Guidance (SPG) provides minimum sizes for private outdoor space and that the number of single aspect dwellings should be minimised.
15. The policies do not require every flat to meet the relevant standards and some people may exercise consumer choice over outdoor amenity space and the orientation of dwellings. Nevertheless, it should be expected that most dwellings would meet those requirements.
16. The proposed development would comprise 28 residential units. The location opposite Mitcham Common means that there is a large amount of public open space available for use by future residents. Nevertheless, this is not a substitute for private open space.
17. The summary spreadsheet provided at the hearing demonstrates that four units would not have any outside amenity space and a further two would only have front garden space facing the road, that would not be private. Five flats would be provided with private amenity space on balconies of a size that does not meet the standards set out in the SPG. Eight of the proposed flats would be single aspect, although they would be smaller one bedroom units, not face north and would otherwise meet minimum standards.
18. As a result, eighteen of the 28 proposed units are single aspect or are not provided with outside amenity space in accordance with the standards. That is a significant proportion of the total number of dwellings.
19. One dwelling (ground floor flat 3) has no private outside amenity space, is single aspect and only just meets the internal space standards. Consequently, occupants of that flat would not be provided with satisfactory living conditions.
20. I conclude that a significant proportion of prospective occupiers would not enjoy satisfactory living conditions, having particular regard to outside amenity

space and the orientation of the proposed flats. For these reasons, I conclude that the proposed development would conflict with Policy DM D2 of the SPP and Policy 3.5 of the London Plan.

Traffic and parking

21. Parking for occupants of surrounding properties is provided either on street or within informal parking areas. The evidence provided demonstrates that there is a significant level of parking stress in the area. The pressure on available parking means that additional development could lead to parking inconvenient to other road users, such that this would affect the safe and efficient operation of the highway network.
22. The proposal would result in 19 parking spaces within the proposed car park for use by future occupants of the proposed dwellings. A further six spaces would be provided alongside Hallowell Close that would be publicly available. This number of spaces would provide five spaces more than would be required to meet the average car ownership levels in outer London and would be five spaces below the maximum parking standards required by the Council.
23. None of the resulting dwellings are proposed to be affordable homes, that tend to have lower car ownership levels than market dwellings. As a result, it is likely that car ownership levels for the proposed development would be higher than had affordable housing been provided on site. However, the site is located close to public transport access including Mitcham Eastfields Station, that provides access to central London, and buses along Commonside East. Further services and facilities are available in the local area. This means that the need for residents to own their own cars is reduced.
24. On balance, I consider that the amount of parking would be adequate for the amount of development proposed. For this reason, I conclude that traffic and parking relating to the flats would not harm the safe and efficient operation of the highway network in the vicinity of the appeal site. As such, the proposal would comply with Policy CS 20 of the CPS that relates to parking, including requiring that parking is provided in accordance with parking standards and that development should not adversely affect safety or the convenience of local residents.

Other matters

25. The site currently comprises a scrap metal yard and buildings that are currently vacant, plus a detached house. It is, therefore, a brownfield site with a last use that was likely to have adversely affected the living conditions of occupiers of the surrounding dwellings. As a result, the redevelopment of the site with a residential use should carry significant weight in the appeal process.
26. I note that housing requirements are likely to increase in the revised London Plan. The Council have confirmed that there is not a five year supply of deliverable housing sites and suggest that they would be able to meet revised requirements. Nevertheless, the Framework seeks to significantly boost the supply of housing. As such, the proposed development would contribute an additional 27 dwellings toward the mix and supply of housing, including a financial contribution to the supply of affordable housing, and this is a material consideration of considerable weight in favour of the proposed development.

27. In addition, the Unilateral Undertaking submitted under Section 106 of the Town and Country Planning Act 1990 would secure contributions toward carbon offset projects. There would be improvements to the local highway secured by a Section 278 agreement. I have taken these matters into account in coming to my decision.
28. I note that the proposed development would result in Community Infrastructure Levy contributions, but how they should be taken into account and their connection to the development is not clear. Planning Practice Guidance¹ states that it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body.

Conclusion

29. I have found that the proposal would contribute toward the supply of housing in the area, re-use a brownfield site, the traffic and parking relating to the proposed flats would not harm the safe and efficient operation of the highway network and there would be contributions toward carbon offset projects and to the local highway. However, these factors are not sufficient to outweigh the harmful effect the works would have on the character and appearance of the area and the flats would not provide adequate living conditions for prospective occupiers. Given that results in conflict with development plan policies, I conclude that the proposal would be contrary to the development plan as a whole. As such, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

David Manley QC

Jonathan Harper Planning Consultant, Rapleys

Simon Kivotos Architect

FOR THE LOCAL PLANNING AUTHORITY:

Thomas Frankland Planning Officer, Council of the London Borough of Merton

Neil Milligan Building and Development Control Manager, Council of the London Borough of Merton

¹ Reference ID: 21b-011-20140612

INTERESTED PARTIES:

Norma Martin-Griffith Local resident

DOCUMENTS SUBMITTED AT THE HEARING:

Document 1: Scheme Analysis table

Document 2: Policy 5.2 of the London Plan