



Appeal Decision

Site visit made on 3 July 2019

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2019

Appeal Ref: APP/T5720/W/19/3220573

Overseas House, Unit F, Elm Grove Business Centre, Elm Grove, London SW19 4HE

- 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 Sean Pringuer-James on behalf of PJCE Pringuer-James Consulting Engineers against the decision of the Council of the London Borough of Merton.
 - The application Ref 18/P1160, dated 1 March 2018, was refused by notice dated 26 July 2018.
 - The development is proposed first floor extension to rear of Unit F Elm Grove Industrial Estate.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The address set out in the banner heading above has been taken from the appeal form rather than the original planning application form. This is because it is a more precise address, and in taking such action, I am satisfied that the interests of the main parties have not been compromised.

Main Issue

3. The main issue is the effect of the proposal on the living conditions for the occupants of No 9 Elm Grove, with particular regard to outlook and daylight.

Reasons

4. The appeal site is a commercial building that has been recently extended and altered in the form of a second floor extension and cladding at first floor level. Its adjacent neighbour to the north west is a three storey, end of terrace dwelling, and to the rear of the site is a building that has been recently converted from commercial use to residential.
5. The footprint of the building occupies the vast majority of its site area with a substantial single storey, flat roof projection located to the rear of the main bulk of the building. This structure projects the full depth of the adjacent garden and forms the shared side boundary with No 9 Elm Grove. The parapet wall creates a tall means of enclosure that abuts the neighbouring garden and which, due to its height, substantial depth, and location, has a demonstrably enclosing and oppressive effect on the adjoining dwelling.

6. The proposal would introduce an additional storey above the full extent of the existing ground floor projection. It would take the form of a mansard roof and consequently, the proposed north west elevation would be angled away from the adjacent amenity space. In addition, the side elevation would be slightly inset from the boundary to allow for a box gutter behind a parapet wall. These design features would lessen the overall bulk of the addition when viewed from No 9, however, the proposal would still significantly increase the bulk and mass of the side elevation.
7. Such an increase in height would significantly and demonstrably worsen the extent of the enclosure to the adjacent amenity space. The overbearing and oppressive form of the side elevation would be made substantially worse and therefore the proposal would have a palpably negative effect on the outlook of the neighbouring dwelling, particularly when viewed from within the garden area. This would have a substantially more harmful effect on the enjoyment of the neighbouring property.
8. The appeal has been accompanied by detailed evidence in relation to the effect of the proposal on daylight and sunlight received by No 9 Elm Grove, as well as the recently converted Bell House to the rear. The evidence confirms that the proposal would have an effect on daylight and sunlight, however, it also states that this would be within the tolerances allowed by best practice documents. Consequently, although there will be a marginal effect on daylight and sunlight received by neighbouring properties, I am satisfied that this would not be materially harmful.
9. Despite this, it does not follow that an acceptable impact on light levels means that there is also an acceptable impact on outlook. My concerns in relation to this matter are identified above, but in essence, due to the significant height and extensive depth of the proposed extension, the proposal would unacceptably enclose the adjacent garden. Consequently, it would have a significantly overbearing and oppressive effect on No 9 which would harm outlook.
10. I therefore conclude that with particular regard to outlook, the proposal would have a harmful effect on the living conditions for the occupants of No 9. Consequently, it would fail to accord with Policies DM D2 and DM D3 of the Sites and Policies Plan and Policies Maps (2014) (SPP). Taken together, these policies seek, amongst other things, development which ensures provision of appropriate quality of living conditions and ensures that visual disturbance resulting from development does not diminish the living conditions of existing residents.
11. The Council have also directly relied on Policy CS14 of the London Borough of Merton LDF Core Planning Strategy (2011) (CS) in their refusal reason. However, this policy relates to design requirements of new development and includes no reference to neighbouring living conditions. Consequently, it is not relevant to the main issue.

Other Matters

12. The proposal would increase the size of a growing commercial enterprise and the evidence suggests that it would generate an additional 5 full time and 3 part time jobs at the site. The proposal would therefore help the continued

success of the business in an area that has seen a number of commercial units be converted into residential development.

13. The National Planning Policy Framework (the Framework) states that significant weight should be placed on the need to support economic growth and productivity. In addition, the appellant has also brought to my attention policies in the CS and the SPP that support economic growth. Due to the benefits that the proposal would bring to the business and the local economy, it would accord with the economic growth aims of both the Framework as well as the CS and SPP. Accordingly, I attach significant weight to this matter in my assessment of the appeal.

Planning Balance and Conclusion

14. The Framework is clear that the economic, social and environmental objectives of the planning system are interdependent and need to be pursued in mutually supportive ways. It states that significant weight should be attached to economic growth, but also states that development should create places with a high standard of amenity for existing users.
15. The proposal would bring economic benefits to the appellant to which I attach significant weight. However, for the reasons identified above, this would be significantly and demonstrably detrimental to the living conditions for the occupants of the neighbouring property. Moreover, the proposal would exacerbate an already unsatisfactory relationship between the appeal site and No 9.
16. Consequently, in my assessment of the appeal, I afford a greater level of weight to the effect of the proposal on the living conditions for the occupants of No 9. Accordingly, the balance lies with protecting the living conditions of the adjacent neighbour.
17. For the reasons identified above, the appeal is dismissed.

Martin Chandler

INSPECTOR