The Planning Inspectorate

Appeal Decision

Site visit made on 30 July 2019

by P Wookey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2019

Appeal Ref: APP/T5720/W/19/3229093
54 Lewis Road, Mitcham, CR4 3DE

- 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 Wai Ming Leung against the decision of the Council of the London Borough of Merton.
- The application Ref 19/P0437, dated 23 January 2019, was refused by notice dated 3 April 2019.
- The development proposed is described as New Build 2 Bedroom Dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:

   - the living conditions of the existing and future occupiers; and,
   - Its impact on the environment.

Reasons

Living Conditions

3. The appeal site is an area of garden to the side of a semi-detached house at No 54 Lewis Road (No 54) which forms part of a small group of flat roofed properties, set back slightly from the road. The development proposed would demolish the existing single storey side extension and erect a new end of terrace two-bedroom, two storey flat roofed dwelling with a single storey extension to the rear.

4. Policy DM D2 of the Sites and Policies Plan (2014)(SPP) states that for all new houses, there is a minimum requirement for a single usable, regular shaped outdoor living space of 50m². Whilst the area of outdoor living provided by the development proposed is disputed, the amount of outdoor living area provided to the new dwelling, which is shown on the plan[1], would be approximately 30m². There would be approximately a further 18m² of space to the front and side of the new dwelling, which the Council state would be used for storage uses, though the irregular area to the side of the new dwelling is relatively inaccessible and therefore would not make a reasonable contribution to the overall area dedicated for this use.

[1] Drawing No 54-005

5. Whilst the appellant states that the level of provision exceeds the London Plan (2016) (LP) requirement of 8m² and is in keeping with the urban grain of the surrounding area and smaller outdoor areas are preferable in London, this is contested by the Council.

6. Based on the evidence before me, Policy DM D2 sets out the level of outdoor living space required for all new residential development and the level of provision of the development proposed would fall significantly well below the minimum requirement of the aforementioned policy and for small family use. As a result, by reason of the design, siting and layout of the development proposed, the level of outdoor living space provided would result in unacceptable living conditions for the existing occupiers of the host dwelling and to the future occupiers of the new dwelling

7. I conclude that the level of provision of outdoor space proposed would not comply with Policy DM D2 of the SPP, Policy CS 14 of the London Borough of Merton LDF Core Planning Strategy (2011)(CPS) and Policy 7.6 of the London Plan (2016)(LP), which when read together seek to achieve high quality design and protection of amenity which would be compatible with the character of the surrounding area.

Environment

8. Policy CS15 of the CS sets out the Council's objectives in respect of improving the environment and the measures all new development has to demonstrate to comply with that policy. This is consistent with the LP which requires development to make the fullest contribution to the mitigation of and adaptation to climate change.

9. Based on the evidence submitted by the appellant, there is insufficient detail on how the development proposed would meet the Council's sustainability policy objectives set out in the aforementioned policy. Whilst the appellant provides commentary on permeable paving and a statement on water useage, no other details are provided on what other measures, including the reduction in emissions targets, would be taken to ensure the development proposed more fully complies with the requirements set out in Policy CS15 of the CS or Policy 5.3 of the LP.

10. I therefore conclude, that the development proposed would be contrary to Policy CS15 of the CS and Policy 5.3 of the LP, which when read together seek to ensure new development meets the highest standards of sustainable design and construction.

Other Matters

11. It has been brought to my attention that there has been a previous dismissed appeal for the site and the current appeal is a modification of the previous proposal. However, each case has to be judged on its own merits and as no details of the previous appeal have been submitted as evidence, it has not altered my decision.

12. The appellant has stated that the development proposed would provide a much-needed windfall site which would contribute towards the Council's housing targets. However, benefit of a single dwelling would not outweigh the harm identified on the main issues.

13. I note the Council states that the development proposed exceeds the requirements of the National Housing Standards with a gross internal area of approximately 81m²; would have no adverse effect on the loss of privacy to the occupiers of neighbouring properties; would have no impact on highways safety and no trees would be affected.

Conclusions

14. For the reasons set out above, the appeal is dismissed.

Paul Wookey

INSPECTOR