



Appeal Decision

Site visit made on 13 August 2019

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th September 2019

Appeal Ref: APP/T5720/W/19/3228730
391 Cannon Hill Lane, London SW20 9HH

- 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 Dr Ravi Tomar against the decision of the Council of the London Borough of Merton.
 - The application Ref 19/P0712, dated 7 February 2019, was refused by notice dated 4 April 2019.
 - The development proposed is described as the demolition of an existing double garage and erection of a two storey dwelling house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the Council's decision notice. The description of development on the application form appears to relate to an earlier application for planning permission. As such, the Council's description best describes the proposal and no concerns have been raised regarding this approach by the appellant.
3. My attention has also been drawn to plans that have been submitted with the appellants statement that seek to address some of the concerns raised by the Council in respect of cycle storage and refuse and recycling facilities. Published procedural guidance is clear that the appeal process should not be seen as an opportunity for further iteration of development proposals, and as such, the amendments indicated would result in a minor but a nonetheless materially different scheme from that originally determined. Given that interested parties have not been consulted on the amended scheme and it was not the scheme determined by the Council, I do not consider it is appropriate to consider the amended scheme in this case. Accordingly, I have not taken these revised plans into account and I have considered this appeal on the basis of the plans as they stood at the time of the Council's original determination.

Main Issues

4. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area; and

- The effects of the proposed development on the living conditions of future occupiers in respect of the quality of accommodation to be provided.

Reasons

Character and appearance

5. The appeal site comprises an existing double garage in the rear garden of No. 391 Cannon Hill Lane which is the end property of a small terrace of 3 dwellings. The garage is single story with a corrugated asbestos pitch roof and is set back slightly from the road and separated by a gate and fencing. The host property is a bay fronted property built around the mid 1930s and has an existing loft conversion with a dormer window overlooking the rear garden. The surrounding streets, including Camborne Road which runs perpendicular to Cannon Hill Lane, are also comprised of short terraces and pairs of semi-detached bay front properties dating from the same era. A number of properties at Camborne Road overlook the appeal site, and as a result of the site's location, it relates as closely to Camborne Road as it does to Cannon Hill Lane. The surrounding area has a well-defined and established character due to the regular rhythm of development and the consistency of the design and mix of properties.
6. The site is extremely compact with limited depth but the proposal has been designed to be set back to follow the established building line and the proposed parking would be laid out to the front of the property. I note that high quality materials are proposed and effort has been made to compliment those used in surrounding properties. However, despite the attention paid to the detailed design of the dwelling it would nonetheless be located directly on the side and rear boundary of the site with no separation between. There is also a limited amount of outdoor space, all of which would be provided to one side of the proposed dwelling which results in a cramped form of development. Due to the cramped nature of the scheme, I consider that it would be incongruous in the street scene where the pattern of development is well articulated due to the established two storey terraced and semi-detached properties set in more spacious plots. This results in harm to the character and appearance of the area.
7. The appeal proposal has been designed to minimise the impact on adjoining properties by limiting its scale with a pitched roof, two small dormer windows and a limited footprint. Whilst it would be visible from the appeal property and adjoining terraces (No.393 and 395), these would be some distance from the proposed dwelling and I do not consider that overlooking of these properties would be likely as there are no windows in the side elevation of the proposal nearest the host dwelling. However, the siting of the proposal tight against the boundary with No.393 would result in some effect of overbearing due to the proximity of the dwelling and overshadowing by reducing light into their rear garden during the morning. I consider this would result in harm to their living conditions.
8. To the rear of the garden, the adjoining property at No.2 Camborne Road would be the nearest property to the appeal site and is separated from the site by a small track leading to a separate garage. No.2 Camborne Road has been extended and as a result has a window at first floor level. However, whilst the site would be visible from the side window of No.2 as it would be higher than the existing garage, due to the separation between the appeal site and No.2

Camborne Road, I consider there to be only a limited impact resulting from either overbearing or overshadowing as sufficient light would still be able to reach the side windows and the proposed dwelling would be separated by the width of the track.

9. Policy 7.4 of the London Plan (2016) states at 7.4(B) that buildings should provide a high quality design response that has regard to the patterns and grain of the existing spaces and streets in orientation, scale, proportion and mass. Policy 7.6(B) of the London Plan states amongst other things that buildings and structures should be of a proportion, scale and orientation that enhance the public realm. Policy DMD2 of the adopted Merton Sites and Policies Plan (2014) states that proposals for development will be expected, amongst other things, to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings. Policies CS13 of the Merton Core Planning Strategy (2011) states that proposals for new dwellings in back gardens must be justified against the local context and character of the site. Policy CS14(B) seeks to promote high quality sustainable design that responds to the distinctive areas of the Borough. Having regard to the siting of the proposal against the side and rear boundaries resulting in a cramped form of development, this would cause harm to the character and appearance of the area. As such, I conclude the proposal does not comply with the London Plan, the Merton Core Planning Strategy and the Merton Sites and Policies Plan in this regard.

Living conditions

10. The proposed dwelling is of relatively limited scale being a 1 bedroom 2 person size and according to the plans at the time of determination, the Council has calculated this would result in the creation of a dwelling that would be 53.5 square metres gross internal floor area. The overall site size has meant that the dwelling would be located tight to two of its boundaries with amenity space to one side. The outdoor space proposed would be 45.7 square metres as calculated by the Council and also includes the proposed parking space in front of the proposed dwelling. This limits the space available for use by future occupiers, and whilst the site would have good light levels, the limited plot size would result in a dwelling that would not have sufficient internal or external space. As a result, it would not provide a suitable standard of living accommodation for future occupants.
11. Policy 3.5(C) of the London Plan (2016) requires minimum space standards for new dwellings by embedding the Nationally Described Space Standards. This requires a floor area of 50 square metres for a 1 bedroom 2 person property. Policy 7.6(B) states that buildings and structures should provide high quality indoor and outdoor spaces and integrate well with the surrounding streets and open spaces. Policy CS9 of the Merton Core Planning Strategy (2011) supports the provision of well-designed housing. Policy CS14(D)(ii) seeks to encourage well designed housing that complies with the appropriate minimum space standards. Due to the proposal failing to provide the required internal and external floorspace, it would not provide an appropriate standard of accommodation or provide sufficient indoor and outdoor space. As such, I conclude that it would cause harm to the living conditions of the future occupiers and would not accord with the London Plan or the Merton Core Planning Strategy in this regard.

Other Matters

12. The Council has indicated the proposal would not meet the required sustainability objectives, and that the plans considered at the point of determination did not show suitable cycle and refuse storage. Paragraph 54 of the Framework states that unacceptable development could be made acceptable through the use of conditions or planning obligations. I consider that the sustainability in terms of the construction standard of the proposed dwelling would be a matter that could be dealt with through a condition as the appellant has indicated.
13. My attention has been drawn to the revised plans in respect of cycle storage and refuse and recycling and that the appellant considers this is a matter that may be capable of resolution. Nevertheless, I have addressed my consideration of the status of these plans in the procedural matters section above. In any event, this matter does not affect my conclusions on the harm I have identified in respect of the main issues.
14. My attention has been drawn to an implemented consent for a proposal at what is now known as 100 Camborne Road. Whilst I note the sites are not dissimilar, that proposal appears to be sited on larger plot which appears to have greater depth than the appeal proposal before me. Therefore, whilst I acknowledge the scheme at 100 Camborne Road, I consider the appeal in front of me to be sufficiently different than the other example cited. Each appeal must be considered on its own individual merits and as such, the schemes are sufficiently different that it does not alter my judgement in this case.

Conclusion

15. I have identified that the proposed development would cause harm to the character and appearance of the area and to the living conditions of future occupiers. As such, the appeal is dismissed.

P Mileham

INSPECTOR