



Appeal Decision

Site visit made on 31 October 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 25 November 2019

Appeal Ref: APP/T5720/W/19/3232326

87 Robinson Road, Tooting, London SW17 9DN

- 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 Craig Daniel of 87 Robinson Road Ltd against the decision of the Council of the London Borough of Merton.
 - The application Ref 19/P0143, dated 14 December 2018, was refused by notice dated 27 June 2019.
 - The development proposed is demolition of existing 3 storey property and outbuilding and erection of new 3 storey building consisting of 9 self contained units with associated off-street parking space for each unit, secure cycle storage and refuse and recyclables storage and landscaping.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Craig Daniel against Council of the London Borough of Merton. This application is the subject of a separate Decision.

Procedural Matters

3. While I note the alternative description of development suggested by the appellant in section E of the appeal form, I have used the description from the application form in the interests of certainty.
4. From the evidence before me, a revised set of drawings were submitted to the Council during the course of the application. In the interests of certainty, I have assessed the appeal based on the drawings determined by the Council and listed in the decision notice.

Main Issues

5. During the appeal process the Council received a signed and dated Unilateral Undertaking (UU) from the appellant which seeks to address the reasons for refusal relating to parking and waste management. The Council stated that it is content to omit these reasons for refusal as elements to be considered in the appeal. Therefore, from the evidence before me, the main issues are:
 - the effect of the proposed development on the character and appearance of the area; and

- the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to outlook.

Reasons

Character and appearance

6. Robinson Road is a residential street generally characterised by two storey dwellings. However, a number of these dwellings have tall gable ends or roof extensions such that two storey properties with some third storey accommodation also form part of the character and appearance of the area. While there are modern examples in the wider area, the properties in the vicinity nevertheless generally have a traditional style such that the area has an attractive residential character and appearance.
7. Backland development to the north of the frontage properties on Robinson Road is prevalent such that they form part of the character and appearance of the area. In addition, given the width of the road, the modest spacing between the properties and front gardens, the area retains a relatively spacious character and appearance.
8. The proposal would remove the existing dwelling on a site that is located behind frontage dwellings on Robinson Road and erect a block of flats with accommodation within a mansard style roof. Given the width of the mansard roof and the quantity of accommodation in the third storey, the proposal would have the appearance of a three-storey building. While the proposed building would have a lower height than the existing building, it would occupy almost the full width of the plot with a modest area to the rear and in front of the building for landscaping, car and cycle parking and refuse storage.
9. The existing access that runs between two houses on Robinson Road, is single lane and would be used for a significantly larger nine dwelling property rather than the existing one dwelling. While the development would not be prominent from the street, it would be a substantially larger building than existing and would be likely to be visible from the rear of the neighbouring buildings. Therefore, while I note that backland developments in the area are not uncommon, and that the proposed building would be of a lower height than the existing house and has been reduced from a previous design, given the significantly larger footprint and three-storey height of the proposed building, when viewed against the size of the plot and the narrow access, the site would appear significantly less spacious than existing.
10. Furthermore, the proposed scheme would appear less open than the adjacent backland developments at Daniel Close and Defoe Close, which have two storey dwellings, wide accesses and front gardens and therefore appear to have less built development than the appeal scheme. While I note that the dwellings on Daniel Close occupy almost the full width of the plot, given their two-storey height, wide access and area in front of the buildings, that development has a more open character and appearance than the proposed development. Therefore, the proposal would have an adverse effect on the spacious character and appearance of the area when compared with the neighbouring backland developments as well as the existing site.
11. While I note the three-storey property at Grosvenor House, with a single lane access, that development is not accessed between the flank walls of two houses. Consequently, that single lane access has a more open character than the appeal scheme. Furthermore, the entrance is from East Gardens and a significant distance

from the appeal site and is therefore not directly comparable to the proposed development. The development at Wellington Court is two storey and has a larger parking area than the appeal scheme, as such it also has a more open character and appearance than the proposal would have. Gateway House and Lannock Court are both frontage developments that are not directly comparable with the appeal scheme.

12. While the site may be within an Area of Intensification, given the harm identified above, this does not override my findings on this main issue. In any event, each case must be determined on its individual merits. While I note that the number of parking spaces were reduced during the application process and that the scheme would include some landscaping, given the footprint and height of the proposal compared with the plot size, the proposed number of dwellings and single lane access, it would appear overly large for the plot and incongruous in the area.
13. Although the mansard roof design would be unusual in the area, given the lower height and traditional form of the proposed building and the varied roof forms and fenestration in the vicinity of the site, the roof design and fenestration of the proposed building would not appear discordant. The lack of harm in this particular respect, however, would not override the adverse effects on the spacious character and appearance of the area identified above.
14. With regard to the original set of drawings submitted as part of the planning application, even if I were to have had regard to these, since that proposed building would have been significantly taller than the existing building, and a similar footprint to that determined by the Council, the adverse effect on the character and appearance of the area would have been more pronounced such that it would have not altered my conclusion on this main issue.
15. Consequently, the proposed development would harm the character and appearance of the host building and surrounding area. Therefore, it would conflict with Policy DM D2 of the Sites and Policies Plan and Policies Maps 09 July 2014 (SPP) which among other things seeks developments that relate positively and appropriately to the massing of surrounding buildings and existing street patterns and urban layout of the surrounding area. It would also conflict with Policy CS 14 of the LDF Core Planning Strategy Adopted July 2011 (CS) which among other things requires that all development be designed in order to respect, reinforce and enhance the local character of the area in which it is located. It would also conflict with Policy 7.6 of The London Plan The Spatial Development Strategy for London Consolidated With Alterations Since 2011 March 2016 (LP) which among other things seeks architecture that makes a positive contribution to a coherent public realm, streetscape and wider cityscape.

Living conditions

16. The proposed building would be set behind a number of frontage dwellings along Robinson Road. The Council has not objected to the proposal on the basis of the effect of the proposed development on the living conditions of the neighbouring occupiers at Nos 83, 85, 89 and 91 Robinson Road. From the evidence before me I see no reason to disagree.
17. No 93 Robinson Road (No 93) is situated adjacent to the boundary of the site and the dwelling of this property is located in line with the other frontage dwellings along the street. While the proposal may present a taller vertical face along the shared boundary than the existing dwelling, it would face the end of the long rear

garden of No 93. Moreover, since the separation distance between the two buildings would remain largely unchanged, and that the proposed building would not be directly opposite the building of No 93, the outlook of the occupiers of this property would not be unduly affected.

18. Turning my attention to the effect of the proposal on the occupiers of No 81 Robinson Road (No 81), this dwelling is also situated a significant distance from the proposed building. The proposal would introduce built development in an area of the plot that was undeveloped and would be much closer to the boundary than the existing building. Therefore, given its height and siting, the proposal would be visible from No 81. However, since the proposed building would not be directly opposite No 81 and would be a significant distance away, the proposal would not unduly affect the living conditions of the occupiers of this property in terms of outlook. In addition, the drawings indicate that mature trees would be planted along the boundary that would soften the impact of the proposal from neighbouring buildings. This could be controlled via a suitably worded condition.
19. Consequently, the proposed development would not harm the living conditions of neighbouring occupiers with particular regard to outlook. Therefore, it would not conflict with SPP Policy DM D2 which seeks among other things developments that provide an appropriate quality of living conditions to both proposed and adjoining buildings and gardens. It would also not conflict with LP Policy 7.6 in this respect which seeks development that would not cause unacceptable harm to the amenity of surrounding land and buildings.
20. CS Policy CS 14 relates to design, character and space standards among other things and is not directly relevant to this main issue.

Other Matters

21. I have considered the UU which seeks to address the reasons for refusal relating to parking and waste management. While I note the reference to Section 16 of the Greater London Council (General Powers) Act 1974, given the wording of the paragraphs within Section 2 of Schedule 1 of the UU, I have reservations regarding whether the UU would be a restriction on the appeal property being the "land" for the purposes of S106(1) of the Town and Country Planning Act. In any event, even if the UU achieved the objectives relating to parking and waste management, this would not outweigh the harm relating to character and appearance identified above.
22. I acknowledge local concerns including those regarding privacy, noise, pollution, emergency vehicles, access and flood risk. However, these have not altered my overall conclusion.
23. I note concerns regarding the service provided by the Council. However, I have determined the case based on its planning merits and this has not altered my overall decision.

Conclusion

24. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR