



Appeal Decision

Site visit made on 4 November 2019

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 27 November 2019

Appeal Ref: APP/H5960/W/19/3236111

94 and 96 Mitcham Lane, London SW16 6NR

- 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 James Wilson against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2018/4798, dated 4 October 2018, was refused by notice dated 22 March 2019.
 - The development proposed is the demolition of existing building and erection of a four-storey building to provide 6 x 2-bedroom and 2 x 1-bedroom flats and two retail units at ground floor level.
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Decision

1. The appeal is allowed and planning permission granted for the demolition of existing building and erection of a four-storey building to provide 6 x 2-bedroom and 2 x 1-bedroom flats and two retail units at ground floor level at 94 and 96 Mitcham Lane, London SW16 6NR in accordance with the terms of the application, Ref 2018/4798, dated 4 October 2018, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

3. The appeal site is on the north-west side of Mitcham Lane and appears as 2 two-storey properties, one end-of-terrace and one mid-terrace, although windows in the flank elevation indicate the presence of a third storey of accommodation within the existing roof space of the end of terrace property. To the north-east of the site is a pair of semi-detached three-storey properties, 90 and 92 Mitcham Lane, and to the south-west is a row of two-storey terraced properties.
4. The street-scene is characterised by mainly terraced and semi-detached properties with single-storey projecting shop fronts. The buildings along this part of Mitcham Lane are, in general, well balanced in terms of mass and siting. There is, however, a variety in the street-scene, as a result of varying architectural styles, differences in the set-back distance of the upper floors from the ground floor front elevation of the commercial units, and differences in roof forms and heights of buildings. Thus, there is no predominant character

- to the existing street-scene along the north-west side of this part of Mitcham Lane.
5. The proposal would demolish the existing building and construct a replacement building across the full width of the plot to include 2 retail units at ground floor level and a total of 8 flats on the upper floors. Although it would be a four-storey building and the roof form would differ from the adjacent properties it would not be taller than Nos 90 and 92. The roof line of the proposed building would thus step down from these properties; the roof line would step down again to the adjoining terraced property, No 98 Mitcham Lane. Therefore, the overall height of the proposed development would not be out of keeping with neighbouring buildings.
 6. The front elevation of the upper floors of the proposed development, in common with No 98 and the adjacent row of properties, would be set-back from the ground floor front elevation. In the case of the proposal because the set-back distance would not be as great as those of the adjacent properties, the front elevation of the upper floors would be set forward, a maximum distance of 0.7 metre, from the upper floor building line of the adjacent row of properties. However, the set-back distance would still be comparable to neighbouring properties and therefore the upper floors would not be set so far forward that the development would be visually prominent within the street-scene.
 7. The proposed development would have a greater height and mass compared to the existing building. However, the design of the roof would incorporate a pitch which would slope away from the street. Furthermore, the design of building, in keeping with many others in the vicinity of the site, would ensure that the proposal continues to appear as a pair of properties. These design features, in combination with the staggered roof line, would ameliorate the increase in the scale and mass of the proposal.
 8. There are differences in the set-back distance of the upper floors from the ground floor front elevation of the buildings along the street. Moreover, there are differences in roof forms and the architectural style of existing buildings in Mitcham Lane. Thus, for the reasons outlined above, I consider the development would not be so inconsistent with the prevailing built form that it would represent an unsympathetic or visually prominent addition to the street-scene. Furthermore, it would not be an incongruous form of development in views looking from both directions along Mitcham Lane.
 9. Consequently, the proposal would not be harmful to the character and appearance of the area. It would therefore accord with Policy DMS1 of the Wandsworth Local Plan Development Management Policies Document 2016 which, amongst other things, seeks to ensure that the scale, massing and appearance of development provides a high quality, sustainable design and layout, that contributes to local spatial character.

Conditions

10. I have considered the Council's suggested planning conditions and where necessary I have amended the wording in the interests of precision and clarity. The appellant was given the opportunity to comment on the Council's suggested planning conditions.

11. Planning permission is granted subject to the standard three-year time limit condition. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of certainty.
12. In the interests of the living conditions of the occupiers of neighbouring properties and highway safety, it is necessary to impose a condition requiring the submission and approval of a construction method statement. To protect future occupiers from air pollution exposure it is necessary to impose a condition requiring the submission and approval of air quality mitigation measures.
13. In the interests of the character and appearance of the area, it is necessary to impose a condition relating to materials and a condition to secure suitable windows, doors and specified finishes to the building. A condition is required to secure the provision of adequate refuse storage. In the interests of sustainability and to ensure compliance with policy, conditions are necessary and reasonable to build the properties with the correct water infrastructure and carbon dioxide reduction measures. To protect the privacy of the occupiers of adjoining properties, a condition is necessary in respect of the provision of obscured glazing for some windows. Lastly, to safeguard local amenity a condition is required to ensure that other uses of the ground floor commercial units do not commence without prior approval.

Conclusion

14. For the reasons set out above, I conclude that the appeal should be allowed.

Andrew Bremford

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 'Location Plan' 1416-X01-B; 'Ground Floor Plan as Proposed' 1416-P01-G; 'First Floor Plan as Proposed' 1416-P02-G; 'Second Floor Plan as Proposed' 1416-P03-G; 'Third Floor Plan as Proposed' 1416-P04-G; 'Elevations as Proposed' 1416-P05-P; and 'Roof Plan as Proposed' 1416-P06-E.
- 3) No development shall take place until a construction method statement has been submitted to and approved in writing by the local planning authority. The statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. wheel washing facilities;
 - v. measures to control the emission of dust and dirt during construction;
 - vi. delivery and construction working hours.

The approved construction method statement shall be adhered to throughout the construction period for the development.

- 4) No development shall take place until a scheme of air quality mitigation measures has been submitted to and approved in writing by the local planning authority. The approved mitigation scheme shall be implemented in its entirety prior to first occupation and retained thereafter.
- 5) Prior to commencement of above ground works, a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
- 6) Prior to the commencement of above ground works, detailed drawings at a scale of 1:20, 1:50 or other scale to be agreed in advance by the local planning authority shall be submitted to and approved by the local planning authority. Such details shall include; window reveals; window frames; entrance doors; door frames; eaves detailing. The development shall be constructed in accordance with the approved details.
- 7) Prior to the commencement of above ground works (excluding demolition), details of the refuse and recycling storage to serve the development shall be submitted to and approved in writing by the local planning authority. The refuse storage facilities shall be provided in accordance with the approved details prior to occupation of the development and shall be retained thereafter.

- 8) The development hereby approved shall achieve a maximum water use of 105 litres per person per day (plus 5 litres for outside use). Prior to first occupation, evidence to demonstrate that the internal water consumption of the development will not exceed 105l/p/day shall be submitted to the local planning authority and approved in writing, unless otherwise agreed in writing by the local planning authority. Measures integrated shall be retained for the lifetime of the development.
- 9) The development hereby approved shall achieve a minimum of a 19% reduction in CO2 emissions below the maximum threshold set in Building Regulations Part L 2013. Prior to first occupation of the development, evidence shall be submitted to and approved in writing by the local planning authority, to demonstrate that the development has achieved at least a 19% reduction in CO2 emissions below the maximum threshold set in Building Regulations Part L 2013. The installed measures shall be retained in accordance with the approved details unless otherwise agreed by the local planning authority.
- 10) The development hereby permitted shall not be occupied until the upper floor windows in the north east elevation have been fitted with obscured glazing, and no part of those windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking, amending and re-enacting the Order the ground floor commercial units hereby approved shall be used only for purposes within Class A1 of the (Use Classes) Order 1987 and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.