
Appeal Decision

Site visit made on 21 January 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th March 2020

Appeal Ref: APP/T5720/W/19/3240976

34 Harewood Road, Colliers Wood, London SW19 2HD

- 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 Baraa Alduilaimy against the decision of the Council of the London Borough of Merton.
 - The application Ref 19/P1963, dated 10 May 2019, was refused by notice dated 8 October 2019.
 - The development proposed is described as 'conversion of a single end of terrace dwelling into 3 no. flats (1x 2 bed, 1x 2 bed and 1x 3 bed). To include a single story side and rear wrap round extension'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted a revised plan for the 'proposed first floor plan' (PL302-Rev B) with the appeal. It amends the layout of Bedroom 3 of Flat 3 into a single bedroom by providing a storage room. Having regard to the Wheatcroft Principle¹, I am satisfied that the amendments would not prejudice interested parties. Consequently, I have accepted the amended plans and decided the appeal on that basis.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the host building and the surrounding area;
 - The living conditions of the neighbouring occupiers, with particular reference to outlook and privacy; and
 - The living conditions of the future occupiers, with particular reference to the standard of accommodation, outlook, light and privacy.

Reasons

Character and appearance

4. The appeal site comprises a semi-detached property in a predominately residential area characterised by pairs of semi-detached, two-storey Victorian

¹ Bernard Wheatcroft Ltd vs. Secretary of State for the Environment [JPL 1982]

housing with rear outriggers. The property has a brick-built garage that forms part of the boundary with the neighbouring property at No 32 Harewood Road and an existing outbuilding at the end of the garden. The house forms one half of a pair of semi-detached houses which reflects the shape, form and general design of a number of pairs of houses along the road. The properties generally have small front gardens set behind low brick walls and follow a generally uniform pattern of development with similar sized rear gardens.

5. The existing side garage would be demolished and replaced with a 2-storey side extension, which would have a new entrance door and window for Flat 1. The existing entrance on the ground floor would be used by Flats 2 and 3. The rear garden would be subdivided for the use of each respective flat. Of the three proposed flats, Flat 3 would contain 3-bedrooms and access to the rear garden, such that it would be regarded as a family unit. Consequently, there is no dispute between parties regarding the principle of the conversion.
6. The addition of a 2-storey extension to the side, which includes a second front door, would not reflect the general style, character and pattern of development within the street scene. The first-floor extension would fill a significant part of the gap that currently exists between the adjacent dwelling at No 32 and would disrupt the generally uniform gaps between the buildings along the road. The extension would appear as intrusive and overly dominant and the addition of a second front door in this location would appear alien in the street scene. Whilst I acknowledge the appellant has chosen a design and materials which they consider would blend in with the host building and surrounding area, this would not overcome the harm to the street scene.
7. The proposal would increase the number of dwellings on the site and the Council states that with a Public Transport Access Level (PTAL) rating of 2, within a suburban setting, the 327hr/ha and 82 units/ha figures of the proposal exceed the London Plan density matrix set out in Table 3.2 of the London Housing SPG (2016). The appellant has suggested that there are other examples of similar developments in the wider area, including a conversion to flats on the opposite side of the road. However, I do not have full details to understand the planning circumstances that led to the approval of the scheme. In any case each proposal must be assessed on its own planning merits.
8. Given the high density figures, the proposal would represent an over development of the site, which is emphasised by the additional front door to the front elevation. This is also particularly apparent with the proposed division of the garden, which when combined with the presence of the detached outbuilding which is not associated with the flats, would be out of character with the surrounding gardens. As such it would appear as an overdevelopment of the site, at odds with the pattern of development of nearby gardens and dwellings.
9. The Council states that the submitted plans do not show sufficient areas for all the refuse bins necessary for the development. However, the appellant suggests that there is space for further refuse areas and that the refuse facilities could be stacked. The submitted plans show that there is unallocated space on the front garden area, which could be used for further refuse bins and this element of the scheme could be secured by condition if the scheme was allowed. Whilst I acknowledge refuse facilities do little to enhance the character of the street scene, they are paraphernalia that would be expected with a

residential property. Therefore, whilst the property may have more bins than others, I do not consider this alone to be harmful to the character and appearance of the area. However, when combined with the area for cycle storage, it would have a cluttered appearance which would affect the appearance of the property and the wider street scene.

10. The proposed development would harm the character and appearance of the host building and the surrounding area. Therefore, it would be contrary to policies DM D2 and DM D3 of the Merton Sites and Policies Plan (MSPP) (2014), policies CS 9 and CS 14 of the Merton Core Strategy (MCS) (2011), policies 3.5, 7.4 and 7.6 of the London Plan (LP) (2016) and the London Housing Supplementary Planning Guidance (LHSPG) (2016). These policies and guidance, amongst other things, seek new development to be of high quality and respond to the local context by relating positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns.

Living conditions of neighbouring occupiers

11. The proposed two-storey side extension would extend approximately 1.5 metres beyond the rear elevation of No 32, and would be within less than a metre of the shared boundary. Although there is an existing garage to the side of No 34, this is only one storey, with the area above it relatively open. The additional storey, due to its bulk and massing, would be visually intrusive and materially harmful to the outlook currently enjoyed by the occupants of No 34.
12. In terms of privacy, whilst there is an existing element of overlooking to the neighbouring properties from the upper windows of the property, the introduction of an external staircase in the garden of No 34, to serve the flat on the first floor, would increase the perception of being overlooked by the neighbouring occupiers at No 32, particularly when in their garden.
13. The proposed development would materially harm the living conditions of the neighbouring occupiers, with particular reference to outlook and privacy. Therefore, it would be contrary to policies DM D2 and DM D3 of the MSPP, policies CS 9 and CS 14 of the MCS, policies 3.5, 7.4 and 7.6 of the LP and the LHSPG. These policies and guidance seek, amongst other things, for new development to be of high quality and provide a satisfactory standard of amenity for neighbouring occupiers.

Living conditions of future occupiers.

14. In terms of the standard of accommodation, Flats 1 and 2 would exceed the minimum space standards as set out in Table 3.3 of the London Plan (2016). However, the Council stated that Flat 3 would not meet the minimum requirements. During the course of the appeal the appellant submitted revised plans to demonstrate that Flat 3 would be a 3-bedroom 4 person dwelling and would therefore, meet the overall requirements. Whilst I note the Council suggests that the layout is not ideal, it does meet the necessary internal space standards, and as such, it is acceptable in this regard.
15. The location of the windows for bedroom 2 and the kitchen for Flat 2, would be in close proximity to the proposed fencing and the external staircase. The positioning of these in relation to the windows would mean that the outlook for the future occupiers of Flat 2 in these rooms would be poor and would result in

a sense of enclosure. Furthermore, due to the positioning of the external staircase to the rear and the orientation of the kitchen window, it would significantly reduce the opportunities for daylight and sunlight to reach the window and would exacerbate the sense of enclosure experienced by the future occupiers.

16. The appellant states that the area of land adjacent to the windows of Flat 2 is not allocated to any of the flats. However, the submitted plans show it as part of the outdoor space available for Flat 3. Notwithstanding the submitted plans, the appellant has stated that the bedroom 2 window for Flat 2 would not be obscure glazed. Consequently, this would be harmful to the privacy of the future occupiers of Flat 2.
17. The positioning of the external staircase would be in close proximity to the boundary of Flat 1 and users of the staircase would have views of the garden area, as well as the living room. Therefore, this would be unacceptably harmful to the privacy of the future occupiers of Flat 1, particularly when in their garden.
18. For the future occupiers of Flat 3, bedroom 3 would only have a small window positioned between the existing outrigger and the proposed side extension. The window of the kitchen is shown as obscure glazed and the living room would only have one small rear window, which would overlook the roof of the ground floor element of Flat 2. Whilst these rooms would receive light, the rooms would have poor outlook, as such, it would not provide acceptable living conditions for the future occupiers.
19. For the reasons above, the proposed development would materially harm the living conditions of the future occupiers, with particular reference to outlook, light and privacy. Therefore, it would be contrary to policies 7.6 of the LP, policies CS9 & CS 14 of the MCS and policy DM D2 of the MSSP. These policies and guidance seek new development to be of high quality and provide a satisfactory standard of amenity for future occupiers.

Other Matters

20. I acknowledge that the proposal would help to meet the need for additional homes. I also note the appellant has suggested it would provide a good standard of accommodation in an accessible location, be in close proximity to Colliers Wood Recreation Ground and would not cause an unacceptable increase in noise and disturbance. However, these factors do not overcome the harm I have identified above.
21. There were a number of other concerns raised by interested parties. However, as I have already identified harm above, it is not necessary to examine these other concerns in further detail.

Conclusion

22. For the reasons set out above, I conclude that the appeal is dismissed.

D Peppitt

INSPECTOR