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## Appeal Decision

Site visit made on 4 August 2020

**by C Osgathorp BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 August 2020**

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**Appeal Ref: APP/T5720/W/19/3243567**  
**52 Central Road, Morden SM4 5RP**

- 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 Sritharan against the decision of the Council of the London Borough of Merton.
  - The application Ref 19/P2464, dated 24 June 2019, was refused by notice dated 17 October 2019.
  - The development proposed is a single storey 1 bedroom dwelling at the rear of 52 Central Road, meanwhile keeping the commercial property.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed development on the living conditions of future occupiers, with particular regard to outlook, daylight and the suitability of the access.

### Reasons

3. The appeal site currently includes a ground floor shop and upper floor residential accommodation, located within a terraced shopping frontage. There is a yard to the rear of the building, which is served by a tarmacked access from Hazelwood Avenue. This access also serves the other properties within the shopping frontage. The adjoining property at No 50 has a large single storey rear extension which runs along the length of the shared boundary.
4. The proposal would introduce a single storey 1-bedroom dwelling in the yard to the rear of No 52. The main entrance would be on the south-western elevation in a recessed position and the sole bedroom window would look into the covered porch area. There would be a significant degree of enclosure to the bedroom window because it would be a short distance from an opposing wall and recessed beneath the main roof. In the absence of a daylight assessment to demonstrate otherwise, I find that this would unacceptably restrict the amount of daylight that would be received by the bedroom. Given the position of the window and the sizeable floor area, there would not be adequate daylight distribution within the bedroom. Furthermore, the outlook from the bedroom directly facing an adjacent wall would create an enclosed and cramped feel.

5. The main living area would be served by patio doors which would be positioned close to the rear boundary. Whilst details are not shown on the plans, the Design and Access Statement states that the outdoor amenity space would be surrounded by a fence 2 metres high. The considerable amount of glazing would provide an adequate level of daylight to the living area, despite the position of the patio doors close to the proposed boundary fence. Nevertheless, the living area would face a small and enclosed outdoor amenity space, which would not provide adequate outlook.
6. Even if the height of the proposed fence were reduced, there would be an unappealing outlook towards the adjacent commercial service road. It would also reduce the privacy of future occupants due to the close proximity of passing pedestrians and vehicles. Consequently, a lower rear boundary fence would not overcome my concerns.
7. Pedestrian access to the proposed dwelling would be via the service road from Hazelwood Avenue. I note that the road has been tarmacked and the Council is now satisfied that the surface is level and suitable in respect of mobility. I agree. However, the Council has raised concerns about the lack of a dedicated pedestrianised footway and the potential for collision with vehicles. I find that there would not be an unacceptable risk to pedestrians because the access serves a limited number of properties and there are straight views along the access.
8. Nevertheless, the route to the dwelling would be enclosed by boundary walls and fences, and there would be limited natural surveillance of the space from the public domain. I appreciate that there is some street lighting in Hazelwood Avenue, however the nearest lampposts are some distance from the access road and so the route to the main entrance would be poorly lit. Taking these factors together, I find that the proposal would not provide an attractive or welcoming access to the proposed dwelling, which would be likely to create a fear of crime.
9. For the above reasons, I conclude that the proposed development would not provide acceptable living conditions for future occupiers. The proposal would therefore be contrary to Policy 7.3 of the London Plan (2016) and Policy DM D2 of the Merton Sites and Policies Plan and Policies Maps (2014), which, amongst other things, seek to ensure provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy to both proposed and adjoining buildings and gardens; and provide layouts that are safe, secure and take account of crime prevention.
10. The proposal would make efficient use of previously developed land in an accessible location and help meet the need for additional homes. Nevertheless, the contribution provided by one dwelling would be limited. Furthermore, there would be modest economic advantages from the construction and occupation of the proposed dwelling. However, these factors would not overcome the harm I have identified above.

## **Conclusion**

11. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*C Osgathorp* INSPECTOR