
Appeal Decision

Site visit made on 24 August 2020

by P W Clark MA(Oxon) MA(TRP) MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2020

Appeal Ref: APP/T5720/W/20/3247054

7 and 9 Rural Way, Streatham, London SW16 6PF

- 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 Prime Homes against the decision of the Council of the London Borough of Merton.
 - The application Ref 19/P1298, dated 22 March 2019, was refused by notice dated 16 August 2019.
 - The development proposed is to demolish the existing two dwellings and replace with a development of 6 x 3-bed terraced houses, split into two separate buildings. The surrounding site will be landscaped with both private amenity areas and appropriate levels of both parking and cycle storage.
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Decision

1. The appeal is allowed and planning permission is granted to demolish the existing two dwellings and replace with a development of 6 x 3-bed terraced houses, split into two separate buildings. The surrounding site will be landscaped with both private amenity areas and appropriate levels of both parking and cycle storage at 7 and 9 Rural Way, Streatham, London SW16 6PF in accordance with the terms of the application, Ref 19/P1298, dated 22 March 2019, subject to the following 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: 1477-01 rev A, 1477-02 rev A, 1477-03 rev A, 1477-04 rev A, 1477-05 rev A, 1477-06 rev A, 1343-10 rev A, 1477-16 Rev A and 1477-17 Rev A
 - 3) No development shall take place until details of all external facing materials have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.
 - 4) No development shall take place until details of the surfacing of all those parts of the site not covered by buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 - 5) No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the Local Planning

Authority. The development shall be carried out in accordance with the approved details.

- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. Amongst any other necessary matters, 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) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 7) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) 22/03/2019/103219- F01/ Ashfield Solutions Group Ltd and the following mitigation measures detailed within the FRA: Finished floor levels are set no lower than 21.47m above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
- 8) The houses hereby approved shall not be occupied until all boundary walls, fences or screening as shown on the approved plans have been carried out. The walls, fencing and screening shall be permanently retained thereafter.
- 9) The development hereby approved shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for their intended use at all times.
- 10) The development hereby permitted shall not be occupied until the cycle parking shown on the plans hereby approved has been provided and made available for use. These facilities shall thereafter be retained for their intended use at all times.
- 11) No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved CO2 reductions not less than a 19% improvement on Part L of the Building Regulations 2013 and internal water usage of not more than 105 litres per person per day.

- 12) No part of the development hereby approved shall be occupied until the altered and new highway crossovers shown on the approved drawing have been completed.
- 13) Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and reenacting that Order with or without modification), no extension or enlargement of the dwellinghouses hereby permitted shall be carried out without a further planning permission first obtained from the Local Planning Authority.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and reenacting that Order with or without modification), no window, door or other opening other than those expressly authorised by this permission shall be constructed in the first or second floor, side facing elevations of the development hereby approved without planning permission first being obtained from the Local Planning Authority.
- 16) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.
- 17) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Procedural matter

2. The description of development has been edited from that given on the application form, so as to exclude superfluous wording.

Main Issues

3. Following the submission of a unilateral undertaking, approved by the Council, withdrawing potential future residents' eligibility for residents' parking permits within any Controlled Parking Zone encompassing the site, two main issues remain outstanding. They are the effects of the proposal on;
 - The character and appearance of the area in terms of rhythm, scale, spacing and massing and
 - The living conditions of potential future residents in terms of amenity space.

Reasons

Character and appearance

4. Apart from Nº1, which sits on its own on a wedge-shaped plot at the entrance to the street, the properties in Rural Way form two straight rows each with a common building line facing each other across a street lined with stubby trees. The proposal would be set back marginally (approximately 0.6m) from that building line so as to accommodate more easily one full-sized off-street parking space in front of each dwelling. Elsewhere in the street, larger cars parked in front of their dwellings tend to overhang the pavement, so the extra space at the front provided by the proposal would be of benefit. There is projection and recession of bays and gables within the overall building line elsewhere in the street, so the slight recession of the proposal would not make it look out of place.
5. Progressing from west to east along the north side of the street, the width of dwellings can be estimated approximately as follows; 9m, 10m, 6.5m, 5m, 5m, 5m (+2m side lean-to), 5m, 8.5m, 8.5m, 5m, 5m, 10.5m, 8.5m, 8.5m, 8.5m, 8.5m, 5m, 4m, 4m, 4m, 6m. From west to east along the southern side of the street, the width of dwellings can be estimated approximately as follows; 8m, 8m, 13m (+3m garage), 11m, 5.75m, 5.75m, 5.75m, 5.75m, 10m, 9.5m, 6m, 6.5m, 6.5m, 5m, 4m, 4m, 7m. There is no consistent rhythm along the street as a whole, although pairs and short terraces each have their own rhythm.
6. The dwellings proposed would each be a little over 4m wide (plot 1 would be larger, at about 5m wide) so neither their width, nor their rhythm, would make them out of place within the street as a whole.
7. The dwellings in the street are a mixture of bungalows, a chalet bungalow, two storey houses without accommodation in the roof and two storey houses with accommodation in the roof. Some have eaves sitting low above the heads of windows. Others do not. There is no consistent general pattern. Variations in the depth of buildings and in the pitch of their roofs mean that ridge heights vary along the street. Some of these, where they are projected forward into gables, such as at numbers 8/8a and 10/10A are prominent.
8. The two terraces proposed would have eaves slightly lower than the adjoining terrace to their east and their ridge line would be no higher. This would not be expressed by any gable projecting forward into the street, so it would not look out of scale with the street as a whole. There would be dormers on the rear elevation but these would be modest in scale, well separated and sitting back on the roof slope.
9. The two terraces would be separated from each other and from their neighbours by gaps of 1.56m, 1.815m and 2.195m. Although a few properties in the street are more widely spaced above ground floor garages or side buildings, this would be comparable to gaps between a number of other properties in the street and so, would not make this proposal notably crowded or cramped.
10. Roofs in the street comprise a mix of gable, hip and gambrel forms. The half hips proposed would be an innovation in the street but it would be compatible

with the range of roof forms presently experienced so I place no store by that characteristic.

11. The proposals would have a greater depth than most other properties in the street but only at ground level, so their greater footprint does not translate to any substantially greater mass than any other building in the street.
12. For all the above reasons, I conclude that the proposal would suit well the character and appearance of Rural Way. It would comply with those parts of the Council's Core Strategy policy 14 and Sites and Policies Plan policy DMD2 which require proposals to respect, reinforce and enhance local character and to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and street patterns.

Living conditions

13. As already noted, the proposed terraces would be set about 0.6m further back in the street scene so as to accommodate adequate off-street car parking. This, combined with their greater depth of plan at ground floor level, would mean that all but one would have short rear gardens, 8.255m deep. The exception would be plot 1, the garden of which is shown to include part of an abandoned former rear accessway, although this lies outside the red line boundary of the application site and outside the appellant's ownership indicated in the land registry title plans which accompanied the completed Unilateral Undertaking.
14. In consequence an average rear garden area of 46.67 sqm per dwelling would be provided, ranging from a minimum of 36 sqm to a maximum of 73 sqm. This would not comply with the Council's Core Strategy policy 14 or its Sites and Policies Plan policy DMD2(a(iv)) which require compliance with minimum space standards. Supporting text paragraph 6.17 explains that for all new houses the Council will seek a minimum of 50 sqm as a single usable regularly shaped amenity space.
15. The law requires planning applications to be determined in accordance with the development plan unless there are material considerations to the contrary. In this case, there are two material considerations. One is that, as can be seen from the Ordnance Survey location plan accompanying the application, equally small, or smaller, rear gardens can be found to characterise existing development in the neighbourhood at Nos 27 and 29 Rural Way and in streets to the north, such as Fallsbrook Road and Kettering Street (although, the latter are administratively in a different local authority area with different local plan policies).
16. The second material consideration is policy 3.5 of the London Plan of March 2016, which is a more recent component of the statutory development plan than Merton's Core Strategy adopted in July 2011 or its Sites and Policies Plan adopted in July 2014. The policy requires housing developments to be of the highest quality internally and externally. The Mayor of London's Housing SPG March 2016 sets standards in pursuit of policy 3.5. Standard 26 is that a minimum of 5 sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant. That represents a requirement of about 10 sqm for each of the 5

or 6 person 3-bedroomed houses proposed in this appeal. The appeal proposal would comply with this standard.

17. I therefore conclude that, notwithstanding the conflict with London Borough of Merton Core Strategy and Sites and Policies Plan policies CS14 and DMD2(a(iv)), an adequate quantity of amenity space would be provided sufficient to ensure adequate living conditions for potential future residents.

Conditions and other matters

18. In the event of the appeal being allowed, the Council suggests that 22 conditions would be necessary. I have considered these in the light of national guidance and the model conditions appended to the otherwise superseded Circular 11/95, the Use of Conditions in Planning Permissions.
19. Most of these require the submission of details not shown on the submitted plans, or the implementation of those which are shown, or are necessary to ensure that the development would comply with an aspect of the development plan. A materials condition is necessary because these are not shown on the approved drawings. A condition withdrawing permitted development rights for extensions is necessary because of the relatively small size of the amenity space proposed.
20. There are a few elements of duplication relating to processes during construction which are eliminated and an unnecessary condition requiring the submission of a landscaping scheme for what are, after all, intended to be occupied as individual family houses where the layout of gardens is normally left to the occupants without the necessity of approval from the Council is not imposed. Part of the site is potentially subject to flooding from the nearby River Graveney. A Flood Risk Assessment recommends mitigating measures which should be required by condition. With these conditions in place, the appeal is allowed.

P. W. Clark

Inspector