

Appeal Decision

Site visit made on 7 May 2021

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 14 June 2021

Appeal Reference: APP/T5720/W/20/3256530

Land at 64 London Road, Morden SM4 5BE

- 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 AP Assets Ltd against the decision of Merton London Borough Council.
 - The application (reference 20/P1260, dated 27 March 2020) was refused by notice dated 29 June 2020.
 - The development proposed is described in the planning application form as: *"Erection of three-storey roof extension including two storey mansard roof extension to provide five self-contained apartments with associated refuse and cycle parking"*.
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Decision

1. The appeal is dismissed.

Main issues

2. There are a number of main issues to be determined in this appeal. The first is the effect of the proposed development on the character and appearance of the host building and its surroundings. The second is whether the scheme would provide satisfactory living conditions for occupiers of the proposed new residential accommodation. The third is the effect of the scheme on parking within the local highway network. The fourth is whether the project would unacceptably prejudice larger scale redevelopment opportunities.

Reasons

3. The appeal site is located in a busy commercial centre, close to a major road junction on the A24 and almost adjacent to Morden Underground Station. There is a bus interchange in front of the Station and a very strong retail and commercial presence in this part of London Road.
4. The building styles are mixed in character and scale in the vicinity of the appeal site, including large scale office buildings and more modest two-storey and three-storey commercial terraces, generally with retail units at street level and other accommodation above.
5. The building at number 64 London Road is part of a two-storey terrace of buildings that have been designed in an Art Deco style, with rendered geometric detailing, incorporating classical architectural references. The

- different units along this street elevation are mainly painted white or off-white but many are in a rather poor condition. Moreover, alterations and repairs have been carried out over the years that detract from the original design concept and undermine its qualities.
6. This Art Deco terrace bears an architectural relationship to the Art Deco entrance to Morden Underground Station, which is a "locally listed" building and, thus, a heritage asset for Morden. This building is an imposing feature in the streetscene that itself forms part of a longer frontage. It is somewhat curious in appearance, however, since the design at ground floor level follows the style of the Station entrance (although it has been adapted), while a very different modern office building rises above the ground floor element and surrounds the Station's portico. This office building dates from the 1960s and provides three floors of office space behind an elevation of glazing and blue cladding, with a brick parapet. A large sign advertises "offices to let" but the building is rather basic in both design and materials and it also has the appearance of being somewhat uncared-for.
 7. Number 64 London Road is located at the end of its own terrace and it butts up against the much taller office building associated with the Underground Station. It is a wider plot than others appear to be, with commercial units on the ground floor and a single additional storey above, which currently accommodates two flats.
 8. It is now proposed that three additional floors should be added at the appeal site. The front elevation of the new second floor would replicate some of the existing details but, above that, two further floors would be added in a complex mansard structure, sloping back successively from the front elevation. Two new flats would be created on each of the second and third floors, with a single flat in the "Loft" (top floor).
 9. Various policies in the Development Plan are especially relevant to this appeal. Particular attention has been drawn to Policy DMD2 of the 'Sites and Policies Plan' (adopted in July 2014) and to Policy CS14 of the 'LDF Core Planning Strategy' (adopted in July 2011). These policies underpin general principles (that are also to be found in 'The London Plan') and they emphasise the importance of good design and the aim of protecting urban character. In addition, Policy DMD4 of the 'Sites and Policies Plan' is specifically concerned with design issues in the context of "Merton's heritage assets and distinctive character".
 10. In relation to the parking issue, the Council has drawn attention to Policies DMT1, DMT2 and DMT3 of the 'Sites and Policies Plan' and to Policy CS20 of the 'LDF Core Planning Strategy'.
 11. Moreover, of special relevance to this part of Morden, Policy CS3 of the 'Core Strategy' (dated 2011) is aimed at regenerating Morden Town Centre, while the later 'Morden Station Planning Brief March 2014' (a 'Supplementary Planning Document') dates from 2014.
 12. Development Plan Policies, of course, follow the thrust of the 'National Planning Policy Framework' (revised in February 2019) which likewise emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic

- activity. It is aimed at achieving good design standards generally, which includes providing good standards of residential accommodation.
13. The proposed new construction would, effectively, add three stories to the existing building in a form that would combine a substantial volume with various pitched roofs. It would be placed against the side elevation of the large office building above Morden Underground Station and would occupy a relatively wide plot compared with others in the same frontage.
 14. The additional volume would not in itself be objectionable; indeed, it would contribute towards the aim of making good use of urban land. On the other hand, the “mansard” style would be entirely alien to the host building and the surroundings. The form proposed would be incongruous and ungainly in its context and would impose itself on the existing streetscape.
 15. It is asserted that the new roof structure would be “subservient” to the original building whereas, in fact, it would be rather assertive. Moreover, the eccentricity of the design would make it much more difficult for other development proposals to create a coherent townscape in the longer term; and other sites would involve additional design considerations in any case. Besides, the concept of architectural “subservience” would not necessarily be appropriate to the situation in this part of London Road, where a significant increase in building volume would be contemplated.
 16. At a more detailed level, the design of the second-floor elevation would replicate some of the features of the existing building but would discard the parapet treatment and detailing of the existing elevation that contributes to the architectural composition as a whole. Moreover, the detailing at third and fourth floor levels would be entirely different and could not create an harmonious whole.
 17. In short, the architectural concept that is now proposed would create an awkward and bulky form that would be unacceptable in this location and contrary to local and national planning policies that are aimed at encouraging good design, including Policies DMD2 and CS14 referred to above. For this reason, the current appeal must fail.
 18. Turning to the issue of the quality of the living accommodation that would be provided, it can be acknowledged that the floor areas and layouts that are proposed would be satisfactory for flats in this locality. The outlook from the “attic flat” has been criticised but the living conditions that would be created would be adequate, even if less than ideal due to the reliance on relatively small roof windows. Of course, the objections that I have identified in relation to the roof form would have an impact on this aspect of the proposed accommodation in any case.
 19. An objection is also raised to the lack of external amenity space as part of the scheme. On the other hand, substantial areas of public open space are located nearby, for example at Morden Hall Park and Morden Park. These provide useful amenities for new residents, whereas balconies at the appeal site would be of very limited amenity value, with a busy main road at the front of the property and a service yard at the rear. In the circumstances of this case, therefore, I conclude that the lack of balconies for the proposed new flats does not justify a refusal of planning permission.

20. The Council's third reason for refusal relates to "the absence of a completed S106 undertaking to ensure that the proposed units are prevented from being able to obtain parking permits for the Controlled Parking Zones". In the absence of such an agreement, the scheme would lead to additional pressure on parking on the local highway network, contrary to Policies in the Development Plan. In the event, however, a signed copy of a suitable agreement under Section 106 of the Town & Country Planning Act 1990 has been submitted during the course of this appeal. If there had been no other objections, therefore, this reason for refusal would no longer have supported an objection to the project.
21. The final main planning issue in this appeal concerns the effect that the scheme would have (if any) on potential larger scale redevelopment opportunities. The Council have a long-held intention to promote a regeneration scheme for Morden Town Centre. This has been identified in earlier appeals (dating back at least to 2012) and in various planning policies, including those referred to above and the emerging 'Merton Draft Local Plan'.
22. Indeed, attention has been drawn to the fact that the appeal site lies within the area covered by the 'Morden Station Planning Brief March 2014'. The Planning Brief is a material consideration in this appeal, in relation to the assessment of relevant planning applications, and it was intended to "pro-actively create a vision for the site", among other things.
23. In the meantime, the need to make the best use of such well-located areas for additional housing in the Borough has evidently become even more pressing and it is noted that an increased need for housing has been identified in the latest version of 'The London Plan' (dated 2021).
24. Hence, the Council state that they are "committed to the Regeneration of Morden". Progress is undeniably slow, however, and the site is not, apparently, scheduled for formal acquisition, while even the new Local Plan appears to be some way off. In these circumstances, it may be doubted whether "a comprehensive development of the site" will be realistic rather than merely aspirational and it would be wrong to stifle development that could otherwise be beneficial unless there were clear grounds for believing that a practicable and markedly more beneficial scheme were in hand.
25. In short, on the evidence presented, the development of this site would not unacceptably prejudice larger scale redevelopment opportunities, in principle, while ambitions for redevelopment that have already been put forward over a period of years appear not to have advanced significantly, in reality.
26. In reaching those conclusions, I have taken account of earlier appeal decisions to which I have been referred by the Council, but I am conscious of the continuing passage of time and apparent lack of progress, in the context of this appeal.
27. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms. The scheme would make a small but significant contribution to housing provision, which weighs in favour of the appeal. Nevertheless, I am convinced that, in this case, the harm that would be done to the host building and its surroundings clearly and very heavily outweighs the benefits of the project.

28. Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C Shrimplin

INSPECTOR