

Appeal Decision

Site visit made on 22 June 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2021

Appeal Ref: APP/T5720/W/20/3261390

94 The Broadway, LONDON, SW19 1RH

- 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 Edgewater Group against the decision of London Borough of Merton.
 - The application Ref 20/P1928, dated 3 June 2020, was refused by notice dated 14 August 2020.
 - The development proposed is the erection of a four storey rear extension and internal reconfiguration of existing residential unit to create 5 additional residential dwellings (6 units provided in total).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording, matching that used on the Decision Notice has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. However, as both parties have used this description in their submissions, and it is a much clearer description of the development proposed, I have used it in my heading above.
3. The London Plan 2021 has been published by the Mayor, setting the spatial development strategy for London and is now part of the development plan. The decision notice for the appeal application did not refer to the London Plan and it is clear that policies in the London Borough of Merton Core Planning Strategy, July 2011 (the Core Strategy) and the Sites and Policies Plan and Policies Map 2014 (the Policies Plan) are the most relevant for this appeal. As such, I have not found it necessary to seek the views of the parties on the London Plan 2021.

Main Issues

4. The main issues are the effect of the proposal on;
 - the character and appearance of the area
 - the living conditions of occupiers of adjacent properties with specific regard to enclosure, light and outlook
 - the living conditions of future occupiers of the appeal site with specific regard to the lack of outdoor amenity space

- the supply of family housing in the area
- parking pressure in the area.

Reasons

Character and appearance

5. The appeal site is a three-storey property, in a relatively deep plot, with an access road, Printers Yard, and mews to the rear. At present, a somewhat piecemeal set of additions to the rear of the site and its neighbours step down from the site frontage towards the mews and Printers Yard to the rear.
6. The proposal, effectively filling the site with a four-storey building built up to the rear and side boundaries would be substantially larger and bulkier than any of the neighbouring properties and indeed, development in the immediate area. It is clear from the site that neighbouring properties, and others on The Broadway have a stepped approach to their height and massing, which serves to reduce their apparent bulk adjacent to Printers Yard. The proposal would not do this.
7. Whilst I acknowledge that there are more modern buildings to the rear of the site, which have a different character and appearance to that of the existing site, and indeed, the proposal, these have a very different relationship to Printers Yard, with a parking area buffering it from their bulk. I also note that 100 The Broadway is a similar mass and scale as the proposal. However, its location and relationship to its surroundings are different, with a much closer and more enclosed character and appearance than the relatively open appeal site and immediate surroundings.
8. I also acknowledge that there is an extant consent for development of the adjoining site in a form and bulk similar to that of the appeal proposal. However, whilst that consent is still extant, I note that it is approaching the end of its time period for implementation, and there is no evidence before me, nor did I see any evidence on my site visit, of implementation taking place, or being likely to take place in the near future. As such, I give that proposal limited weight in my consideration of this appeal.
9. Whilst there is clearly evidence of intensification of the use of the rear of properties on The Broadway, and the proposal would not be visible from The Broadway, this does not alter my conclusions on the effect of the proposal. As a result, I find that the appeal proposal would, as a result of its scale, depth and bulk, be harmful to the established character and appearance of the area, contrary to Policy CS14 of the Core Strategy and Policies DM D2 and DM D3 of the Policies Plan. These seek, amongst other things, to ensure that development is of high design quality, relates positively and appropriately to the character and appearance of its immediate and wider context.

Living conditions of occupiers of adjacent properties

10. As noted above, the properties adjacent to the appeal site have a variety of rearward extensions and alterations, with windows of various orientations and relationships to the appeal site. The proposal would effectively fill the plot, but for a cut-out section designed to mirror the unimplemented development on the adjacent site. As such, it would present tall, largely unrelieved elevations to both neighbouring properties. Given the orientation of the site and its

neighbours, as well as the relatively narrow plot-widths, I consider that this would lead to unacceptable harm to the living conditions of occupiers of adjacent properties with specific regard to an unacceptable sense of enclosure, loss of light and restriction of outlook. Again, I note the scale and form of the approved development at the neighbouring site, and the relationship of the proposal to it, but as set out above, do not have sufficient evidence before me to be certain that the development would take place, and that the harm I have identified would not therefore occur.

11. I therefore find that the proposal would be contrary to Policies DM D2 and DM D3 of the Policies Plan, which seek, amongst other things, to ensure that development responds appropriately to its surroundings and delivers satisfactory living conditions and levels of amenity.

Living conditions of future occupiers of the proposal

12. Policy DM D2 of the Policies Plan sets an expectation that development should ensure appropriate provision of, amongst other things, amenity space, and refers to the requirements of the Mayor of London Housing Supplementary Planning Guidance (the SPG). The SPG sets clear expectations for the quality of new housing in the City. As part of this, the SPG sets requirements for private outdoor space. However, to allow for development of small sites at higher densities, it does suggest that amenity space requirements can be met outside the site, where it can be demonstrated that it can be appropriately done so, and subject to meeting other planning policy requirements.
13. The appellant has provided commentary on the availability of other outdoor space, but I do not consider that this meets the requirements of the SPG to set this within a broader consideration of the density of the site, its surroundings, or indeed the factors influencing the setting of the development site. Given my conclusions above on the character and appearance of the area, I do not consider that the proposal, or the submissions of the appellant have either demonstrated that suitable outdoor amenity space could not be provided on the site, or that its provision off-site would meet the requirements of the Policies Plan or the SPG. I note the provision of Juliet balconies for three of the units, and the references to outdoor amenity space provision at the adjacent extant, but as yet unimplemented planning consent, but this does not affect my overall conclusions on this matter nor do I find it sufficient to warrant setting aside development plan policy requirements. Given the importance of this issue, I do not consider that it could be properly addressed by a condition.
14. I therefore find that the proposal would not give rise to suitable living conditions of future occupiers of the appeal site with specific regard to the lack of outdoor amenity space, contrary to the requirements of Policy DM D2 of the Policies Plan and the SPG, which seek to ensure that development provides outdoor space of suitable quality and amount.

Supply of family housing

15. Policy CS14 of the Core Strategy is clear that proposals which convert single dwellings, such as the appeal proposal, must incorporate a replacement family-sized dwelling, and that in line with London Plan requirements, this should have three or more bedrooms. The appeal proposal does not do this, providing instead one studio flat and five one-bed, two-person flats.

16. I acknowledge both the relatively urban location of the site, and the policy support for increasing the overall level of housing in the Borough and the City, with regard to the attractiveness of smaller units at this site. However, Policy CS14 of the Core Strategy makes clear that much of the housing delivery in the Borough has been focussed on smaller units, intensifying the use of the housing stock, at the cost of the delivery of larger units, for which there remains an established need. In the face of a lack of specific evidence refuting the need set out in this Policy, I do not consider that the location of the site, or indeed, the mix approved at the adjoining site is evidence of sufficient weight for me to set aside the requirements of the development plan in this instance. The proposal would therefore reduce the supply of family housing in the area, contrary to the requirements of Policy CS14 of the Core Strategy.

Parking pressure

17. The appellant does not dispute that the proposal would be an appropriate location for car-free development, and suggests that an agreement under section 106 could achieve this, and that in the face of no agreement or undertaking yet being submitted, this could be secured by condition. Whilst this may be the case, and I note the Council would support the development being car-free, there is no such condition before me to consider and as I have found against the proposal for the other reasons set out above, I have not considered this matter further.

Conclusion

18. I acknowledge policy support for new housing in the Borough and the City, however, this does not outweigh the specific harms from this particular proposal which I have found above. In addition, whilst I note the comparisons drawn between this proposal and other nearby developments, I do not consider that those comparisons in themselves are sufficient evidence for me to set aside relevant policy requirements around amenity space, living conditions, family housing and other matters. In particular, on the face of the evidence before me, I am not able to set aside the harm I have found with respect to the main issues solely on the basis of the potential implementation of another short-dated planning permission on another site which is outside the control of the appellant.
19. For the reasons given above I conclude that the proposal conflicts with the development plan and there are no material considerations which indicate that a decision be taken other than in accordance with it. The appeal should therefore be dismissed.

S Dean

INSPECTOR