



Appeal Decision

Site visit made on 8 June 2021

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2021

Appeal Ref: APP/T5720/D/21/3268471

190 Poplar Road South, Merton Park, London SW19 3JY

- 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 Avi Aharon against the decision of the Council of the London Borough of Merton.
 - The application Ref 20/P2974, dated 19 September 2020, was refused by notice dated 16 November 2020.
 - The development proposed is erection of outbuilding to be used as a studio office.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Revised plans were submitted with the appeal that would change the four windows in the southern flank and the three windows in the northern flank to an obscure glazed non-opening form. The revised plans do not materially alter the nature of the application and do not prejudice the interests of any parties. They have therefore been taken into consideration.
3. The London Plan 2016 policies referenced in the Council's decision notice have been superseded by policies in the recently adopted London Plan 2021. The proposal has therefore been considered against the relevant policies in the London Plan 2021 (LP).

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect on the living conditions of neighbouring occupiers with particular regard to outlook.

Reasons

Character and appearance

5. The appeal site is located in a residential area and forms the southern end of a short terrace of three houses numbered 186, 188 and 190 Poplar Road South. The southern boundary of No 190 adjoins the rear gardens of dwellings which face Crown Lane and the Council indicate that it is a House in Multiple Occupation (Class C4).

6. The properties in the terrace and those of the semi-detached houses further to the north have fairly deep rear gardens. While several accommodate outbuildings at the far end of the respective garden which vary in their size and form, a sense of spaciousness within the rear garden areas is retained. This character is displayed at the other two properties in the terrace with No 186 having a large rendered outbuilding and No 188 a large wooden shed.
7. Even in the context of the two large neighbouring outbuildings, at 3m tall, around 11.6m deep and with an average width of about 5m, the proposed building would be very substantial and its volume markedly larger. Furthermore, due to its 3m height, it would project above No 188's shed and well above the fence running along the boundary with 76 and 74 Crown Lane. It would also project above the adjacent outbuilding at the rear of 72 Crown Lane, albeit to a lesser degree. It would therefore prominently appear out of keeping with the bulk, scale and massing of the surrounding outbuildings and detract from the spacious character of the rear garden areas.
8. In light of the above, it is concluded the proposed development would have an unacceptably harmful effect on the character and appearance of the area. As such, it would conflict with Policy D3 of the LP, Policy CS14 of the Council's LDF Core Planning Strategy 2011 and Policy DM D2 of the Council's Sites and Policies Plan and Policies Maps 2014 (SPP). Amongst other things, these policies seek to ensure development respects, reinforces, and enhances the local character of the area, relating positively and appropriately to the scale, proportions, height and massing of surrounding buildings and the urban layout.

Living conditions

9. Due to the particularly tall rear boundary fence, the proposed building would largely be screened in views from the properties behind which face Grasmere Avenue. Furthermore, it would not be unacceptably harmful to the outlook from No 188 as it would be viewed directly alongside that property's own large wooden shed.
10. In respect of 72, 74 and 76 Crown Lane, it would be viewed at the end of their rear gardens, with No 72's adjacent outbuilding screening a large proportion of the eastern end of the proposal. However, a section of the boundary fence at the end of No 74's rear garden is fairly low. This would enable one of the facing windows in the proposal's southern flank to be almost fully visible from No 74. The upper part of two of the other windows projecting above a taller section of the boundary fence would also be visible from Nos 74 and 76. Given the proposal's 3m height positioned directly alongside the boundary fence, as well as the visibility of three of the windows which would be particularly prominent when lit in low light, the building would appear unduly dominant and visually intrusive to the occupiers of No 74 and 76.
11. Accordingly, it is concluded the proposal would have an unacceptably harmful effect on the living conditions of neighbouring occupiers with particular regard to outlook. It would conflict with Policy D3 of the LP and Policy DM D2 of the SPP which seek to protect the living conditions of existing occupiers in respect of visual intrusion and ensure an appropriate outlook.

Other Matters

12. The submitted plans show a kitchenette and a room labelled 'shower' within the proposed building. It would also have a door in the northern flank that would open out onto a rear access way that leads to Poplar Road South. While the access way is overgrown in parts and there is some limited fly-tipping, access to the proposed outbuilding via this route remains possible.
13. Given the separate rear entrance to the proposed building and its internal configuration, the Council considers this would allow for it to be independently used as substandard residential accommodation. While there is no evidence before me which indicates that it would be used in this way, had the scheme otherwise been acceptable the matter could have been addressed by the imposition of a condition which specifically excluded such residential use.
14. The benefit of a studio office and its contribution to economic activity during its construction phase are acknowledged. However, the benefits do not outweigh the harm. Furthermore, given the identified harm, it would not represent sustainable development in the terms expressed by section 2 of the National Planning Policy Framework (the Framework).

Conclusion

15. The proposed development would conflict with the development plan as a whole and there are no material considerations, including the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan.
16. For the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

C J Ford

INSPECTOR