



Appeal Decision

Site Visit made on 22 June 2021

by **S Dean MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 July 2021

Appeal Ref: APP/T5720/W/20/3261187

Crownall Works, Elm Grove, Wimbledon, SW19 4HE

- 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 Harepath SW19 Ltd against the decision of London Borough of Merton.
 - The application Ref 20/P1585, dated 4 May 2020, was refused by notice dated 26 August 2020.
 - The development proposed is the construction of a single three bedroomed house on the end of two of the approved houses that front Elm Grove.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of a single three bedroomed house on the end of two of the approved houses that front Elm Grove, at Crownall Works, Elm Grove, Wimbledon, SW19 4HE in accordance with the terms of the application, Ref 20/P1585, dated 4 May 2020, subject to the conditions in the Schedule attached to this Decision.

Preliminary Matter

2. 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 referred to the London Plan 2016, but in terms which have not substantively changed with the publication of the London Plan 2021. In addition, parties have addressed the policies of what is now the London Plan 2021 in their submissions. As such, I have not found it necessary to seek the views of the parties on the London Plan 2021.

Main Issues

3. The main issues are
 - whether or not the proposal would provide suitable living conditions for future occupiers with specific regard to the proximity of the ground floor bedroom window to the public highway
 - the effect of the proposal on the character and appearance of the area
 - whether or not the proposal would increase pressure on the controlled parking zone (CPZ).

Reasons

Living conditions

4. Set at the end of Elm Grove, the appeal site is adjacent to a pedestrian footpath, aligned with the centre of Elm Grove which passes the site and runs along, and to a bridge over, railway lines at the rear of the site. The window for the ground floor bedroom is adjacent to the back edge of the pavement. The footpath is well used, but from my observations on site, owing to the layout of the road, the location of the access and the footpath, many users take a more direct route to the footpath, effectively cutting the corner, directly to the footpath, away from the appeal site and the pavement it adjoins. To my mind, this effect would be heightened by the proposed bin stores and other landscaping along the edge of the appeal site which would act as a natural deterrent to passers-by walking close to this window.
5. Whilst I acknowledge the concerns of the Council around the relationship of a ground-floor bedroom window to the public domain, this arrangement is not unusual, particularly in a dense, urban setting such as this. Coupled with the suggested condition from the appellant around the design and finishing detail for the bedroom window, I am satisfied that the proposal would provide suitable living conditions for future occupiers with specific regard to the proximity of the ground floor bedroom window to the public highway having regard to its urban location.
6. The proposal does therefore comply with Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps, July 2014 (the Plan), which seeks, amongst other things, to ensure that development achieves high quality design with appropriate levels and quality of living conditions, privacy and protection from noise and disturbance.

Character and appearance

7. The appeal site is located immediately adjacent to a much larger mixed-use development, with flats opposite, and other residential development within the commercial estate. I acknowledge that the host building exhibits a cohesive, design ethos, with the width of the access widening towards Elm Grove. However, it is also clear that there is a need for additional housing, set out in national, regional and local policy and leant further weight by the number of residential conversions around the site. I consider that the proposal offers an opportunity to provide additional housing in a way consistent with the development already under construction, maintaining the overall cohesion and legibility of the completed development. On the ground, the tapering approach to the width of the building and access is much less evident than on plan, and as such, I do not find that the proposal would unduly constrict and therefore harm the openness of the street-scene in Elm Grove and around the site and access.
8. The proposal is shorter than the buildings it extends from and broadly similar in scale to the buildings on the opposite site of the access. As a result, in my view it would not dominate or unduly enclose the otherwise mixed Elm Grove street-scene. As the road and pavement width would be unaffected, I do not consider it would harmfully limit the sense of openness or breathing space at the end of Elm Grove. I acknowledge that the proposal would reduce the amount of landscaping around the site, but some is still proposed, and I do not

consider that the overall appearance and effect would be substantially different to that of the immediate surroundings. I therefore find that the scale of the proposal, in terms of its height and siting is appropriate for its location, and that it would not harm the character and appearance of the area.

9. The proposal would therefore comply with Policy DM D2 of the Plan and Policy CS14 of the London Borough of Merton Core Planning Strategy, July 2011 (the Core Strategy), which seek, amongst other things, to ensure that development achieves high quality design which relates positively and appropriately to the character and appearance of its surroundings and seeks to enhance the overall design quality of the Borough.

Controlled parking zone

10. Following the submission of this appeal, the appellant has submitted a unilateral undertaking (UU) under section 106 which seeks to ensure that the proposed unit would be permit free in line with Policy DM T3 of the Plan. I have considered whether the UU meets the tests set out in Regulation 122 of the Community Infrastructure Regulations 2010. On the basis of the UU, the policy and the response of the Council, I am satisfied that the UU is necessary to make the development acceptable in planning terms, directly related to the development and fairly related in scale and kind to the development. I therefore find that the proposal would not increase pressure on the CPZ and would therefore comply with Policy DM T3 of the Plan, and Policy CS20 of the Core Strategy.

Other Matters

11. I note the concerns around development of this, and adjacent sites turning this area from a commercial one into a residential one. However, from the submissions before me, a degree of this appears to have arisen from the permitted development regime. The development of this site, and its immediate neighbour is consistent with the plan-led system, and the overarching policy aim of delivering additional housing in the Borough.
12. I also note concerns around levels of traffic arising from the development. Concerns around parking pressure have been addressed to the satisfaction of the Council and the overall level of traffic arising from the development would be less than from previous commercial uses of the site. I note that the Council considered the proposal would provide and maintain acceptable levels of privacy for occupiers of surrounding properties, subject to conditions, and I agree with this conclusion.

Conditions

13. Having had regard to the submissions of both main parties, the requirements of the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) I have imposed standard conditions concerning commencement (1), and compliance with the submitted plans (2). The Council has suggested a number of conditions to be attached, should planning permission be granted. Conditions 3 and 8 are necessary to ensure the satisfactory appearance of the completed development.
14. The restriction of national permitted development rights requires clear justification in order to pass the test of reasonableness or necessity. Given the relatively dense, urban nature of the site, I am satisfied that the proposed

restriction of national permitted development rights in Condition 4 does meet these requirements. Conditions 5 and 6 are necessary to ensure the privacy and amenity of occupiers of neighbouring properties. I have however amended the trigger for Condition 6 to avoid unnecessary pre-commencement conditions, and to be consistent with that of Condition 3. Condition 7 is necessary to ensure that the development can be implemented without harm to the amenity of residents of surrounding properties with regard to noise and disturbance. Condition 9 is reasonable and necessary, having regard to the sustainability and energy efficiency policies of the Plan and Core Strategy.

15. The appellant has suggested a condition requiring that the exact design, appearance and specification of the ground-floor bedroom window be agreed with the Council, in order to ensure that any remaining concerns over privacy be addressed to the satisfaction of the Council. Notwithstanding my conclusions on this matter above, I consider that such a condition would be reasonable and necessary. As such, I have imposed it as Condition 10.
16. I am satisfied that these conditions meet the tests in, and requirements of both the Framework and the Planning Practice Guidance.

Conclusion

17. For the reasons given above I conclude that the proposal accords 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 allowed, and planning permission granted.

S Dean

INSPECTOR

Schedule of 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: 5196-BAL-XX-ZZ-DR-A-07-0007-A, 5196-BAL-XX-ZZ-DR-A-07-0008-A, 5196-BAL-XX-ZZ-DR-A-07-0009-A, 5196-BAL-XX-ZZ-DR-A-07-0010-A.
3. No development shall take place beyond damp proof course level until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse other than that expressly authorised by this permission shall be carried out without planning permission first obtained from the Local Planning Authority.
5. Before the development hereby permitted is first occupied, the windows in the southwest facing elevation at first floor level and above shall be glazed with obscure glass and fixed shut and shall permanently maintained as such thereafter.
6. No development shall take place beyond damp proof course level until a scheme of details of screening of the roof terrace has been submitted for approval by the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied unless the screening has been implemented in its approved form and shall be maintained permanently thereafter.
7. No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.
8. The development shall not be occupied until full details of a landscaping and planting scheme has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development.

9. No part of the development hereby approved shall be occupied until evidence has been submitted to the council confirming that the development has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes level 4. Evidence requirements are detailed in the "Schedule of evidence Required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide. Evidence to demonstrate a 19% reduction compared to 2013 part L regulations and internal water usage rates of 105l/p/day must be submitted to, and acknowledged in writing by the Local Planning Authority.
10. No development shall take place beyond damp proof course level until details of the design, specification, appearance, acoustic and security performance and boundary treatment for the ground-floor bedroom windows have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

End of Schedule of Conditions