



Appeal Decision

Site Visit made on 22 June 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2021

Appeal Ref: APP/T5720/W/21/3272175

7 Streatham Road, Mitcham, CR4 2AD

- 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 Tony Mitha against the decision of the Council of the London Borough of Merton.
 - The application Ref 20/P3451, dated 27 October 2020, was refused by notice dated 2 February 2021.
 - The development proposed is the demolition of the existing dwelling and re-construction of a 1b 2p new unit and all associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has referred to the existing building on site as a dwelling. I have used the appellant's description of development in the heading for this appeal but make no judgement on this existing building or its retention as this is subject to a separate appeal¹.
3. Between the determination of the planning application and the appeal coming before me, the new London Plan² and a revised Framework³ were published. The Council has subsequently indicated that Policies D3 and D4 of the new Plan are relevant to this appeal. The views of the appellant have been sought on the new London Plan and I have referred to it in my findings. Similarly, both main parties have had an opportunity to comment on the revised Framework.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal property is a detached house on the southern side of Streatham Road at its junction with Graham Road. The area has a mix of property styles and sizes although most are generally two storeys in height with pitched or hipped roofs. The terraced properties in Graham Road, to the south east of the site, have a more regular and uniform appearance. The rear garden of the host

¹ APP/T5720/W/20/3245507

² The London Plan 2021

³ National Planning Policy Framework (2021)

property therefore provides an important visual break to allow a transition from the host property to the terraced properties in Graham Road.

6. The buildings in Graham Road that are opposite the appeal site, although of varying styles and sizes, have a built form which is broadly complementary to one another. They also have sufficient space between and around them to allow a transition from one building/style to another without appearing incompatible or unduly cramped.
7. The appeal property has side and rear garden areas although a previous rear extension to the main dwelling and a separate building, which is the subject of a separate appeal, now occupy much of the rear garden area. The current building would be demolished as part of the appeal proposal before me.
8. The proposed building is designed to function independently of the main dwelling. Its position, height and size would give the building prominence from both Graham Road and Streatham Road. It would very clearly be read within the street scene as a separate unit, with separate curtilage and entrance. It would not be viewed as an incidental or ancillary building to the main dwelling.
9. The proposed building would have similarities to the host property in terms of external finish. However, the building's scale and position would create an awkward juxtaposition and visual relationship with the existing dwelling. The proposed building would have no compatibility in terms of materials, size or form with 1 Graham Road such that it might be viewed positively in the context of that building or the rest of the terrace. Not only is the proposal's design and appearance at odds with the surrounding built form but in combination with its proximity to both adjacent buildings, it would appear cramped and thus an incongruous form of development within the established street scene.
10. I therefore find that the proposed building would cause harm to the character and appearance of the area. As such, it would be contrary to Policy CS 14 of the Core Strategy⁴, Policies DM D1 and DM D2 of the Local Plan⁵ and Policies D3 and D4 of the London Plan which amongst other things, seek to ensure that developments are of an appropriate form that relate to their surrounding area and do not diminish the public realm.
11. I have not been provided with copies of the Council's Supplementary Planning Documents (SPD) regarding small sites⁶ and the character of the borough⁷. However, I find that the policies I have cited above, copies of which I have seen, are more than sufficient to relate to this main issue.
12. Although the Framework was not referenced in the reason for refusal, the appellant has drawn my attention to it and considers the proposal to be compliant in terms of achieving well designed places. However, for the reasons set out above, I disagree and find that the proposal would be out of keeping with the surrounding area. As such, it would be contrary to Paragraphs 130 and 134 of the Framework, which respectively indicate that amongst other things, new development should be sympathetic to local character and that development which is not well designed should not be permitted.

⁴ London Borough of Merton LDF Core Planning Strategy (2011)

⁵ Merton's Local Plan - Sites and Policies Plan and Policies Maps (2014)

⁶ Small Sites Toolkit Supplementary Planning Document (2021)

⁷ Merton Character Study Supplementary Planning Document (2021)

Other Matters

13. The appellant claims that a previous planning permission on the site for a dwelling is extant and in the description of development for this appeal refers to the existing building on site as a 'dwelling'. As noted above, a separate planning appeal addresses the issues regarding the existing building and its retention. Whilst I have considered this current appeal on its own merits, I note that there is no substantive evidence before me, such as a Certificate of Lawful Development (CLD), to confirm that the previous permission was implemented or that the building currently on site is lawful. As such, I can only give limited weight to this previous grant of planning permission and the building's current appearance when considering this appeal.
14. The appellant also directs me towards householder permitted development rights and suggests that it could allow a 'less attractive' building to be erected over a larger part of the site than currently proposed. I do not accept that a building under permitted development would necessarily have to be 'less attractive'. Whilst it might be possible to erect a building with a larger footprint, there is no CLD before me confirming this to be the case. Regardless of this, any outbuilding would have to have a noticeably lower height, particularly if sited within 2m of the site boundary, and its use would have to be incidental to the main dwelling. Thus, it would appear and function very differently from the proposal which is before me.
15. There are a number of other altered dwellings which are visible within the street scene. However, these appear to assimilate acceptably in terms of their design and do not, based on what I have seen, harm the character and appearance of the area in the same way the appeal proposals would. They do not therefore lead me to allowing the appeal.
16. The appellant points to factors such as the provision of garden space, the standard of accommodation and that the proposed unit would have ready access to a range of sustainably accessible services. However, these factors would represent a lack of harm and accordingly would be neutral in any balance.
17. The appellant has drawn my attention to the issues raised in relation to the timing of previous building works, works to the neighbour's property and the parking of vehicles. Such concerns are however outside the scope of this appeal.

Planning Balance and Conclusion

18. I have found that the proposal would harm the character and appearance of the area, contrary to the development plan taken as a whole. The policies cited in this respect above are not out-of-date because the need to protect the character and appearance of the area is perennial and in direct compliance with the Framework. The harm I have found would lead to conflict with paragraph 130 of the Framework, which, amongst other things, seeks to ensure that new development is sympathetic to local character.
19. The appellant suggests that the appeal proposal would make efficient use of the land. An additional dwelling would accord with the Framework's support for windfall sites and the Council acknowledges the benefit of providing housing through the intensification of small sites. The provision of a single dwelling

would make a small contribution towards housing supply and there would be associated social and economic benefits although some of these would be limited by virtue of time and the scale of the proposal. As such, these benefits would be insufficient to outweigh the conflict with the development plan as a whole.

20. The appeal should therefore be dismissed.

Stewart Glassar

INSPECTOR