



Appeal Decision

Site Visit made on 9 September 2021

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2021

Appeal Ref: APP/T5720/W/21/3273800

89 Worple Road, Wimbledon, London SW19 4JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr Martin Morris of Woodgavil Group against the decision of London Borough of Merton.
 - The application Ref 21/P0034, dated 9 December 2020, was refused by notice dated 8 March 2021.
 - The development proposed is the erection of two additional storeys on top of the existing block of flats to create 3 additional residential units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description is taken from the appeal form.
3. Paragraph A to Part 20, Class A of the GPDO sets out as permitted development "*Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats*" together with related works.
4. Paragraph A.1 of Part 20, Class A sets out a list of preclusions whereby development is not permitted by Class A. I concur with the main parties that the proposal satisfies these eligibility criteria.
5. Paragraph A.2 of Part 20, Class A of the GPDO requires prior approval to be sought for the matters listed in that paragraph. The Council is content that the development meets all of the matters other than those relating to the transport and highway impacts of the development and the external appearance of the building. I have no evidence to disagree with that assessment and have focused on the matters in dispute.
6. Paragraph B (15) of Part 20, Class A of the GPDO requires the local planning authority to take into account any representations made to them as a result of consultation, and to have regard to the National Planning Policy Framework (the 'Framework'), so far as relevant to the subject matter of the prior approval, as if the application were a planning application. The 2019 version of the Framework has been replaced by that issued in 2021. I have taken account of representations received and the updated Framework.

Main Issues

7. The main issues therefore are whether the transport and highway impacts of the development and the external appearance of the building are acceptable.

Reasons

Transport and highway impacts

8. The appeal relates to a detached four-storey building of 8 flats located on a corner with Worple Avenue. There are 4 open parking spaces and 5 garages on higher ground at the rear of the site with access from Worple Avenue and also areas for the storage of bikes and bins to the rear of the building. No additional parking spaces are proposed.
9. The site is in a sustainable location with regular buses providing access to Wimbledon and Raynes Park. Nonetheless, the site has a PTAL of 2 which is relatively low indicating moderate access to public transport. Occupiers of the three flats are likely to want to own a car. There is no evidence before me to indicate spare parking capacity on site. Therefore, any additional car parking demand would be likely to result in on street parking.
10. The site is in a controlled parking zone (CPZ). On street parking in the surrounding area comprises zones allocated for residents holding on-street parking permits; I observed a few metered parking spaces available for the general public in the wider area. The existence of the CPZ demonstrates a high demand for on street parking and the need to manage this. There is no parking survey or other detailed evidence to indicate otherwise. Any overflow on street parking resulting from the proposal would add to these pressures increasing the demand for the limited number of spaces available in the residents' parking zones. It would result in inconvenience for residents displaced and having to park some distance from their homes. The additional pressures could also encourage inappropriate on street parking resulting in nuisance to others.
11. The appellant's statement indicates intended submission of a car free agreement, in which future occupiers would be precluded from applying for an on-street parking permit to address this concern. However, no such agreement is before me or any other mechanism by which to secure the proposal as 'car free'. The proposal would therefore be likely to add to parking pressures within the CPZ. The transport and highway impacts arising would not be acceptable and prior approval should not be granted.
12. The proposal would be contrary to MCS Policy CS20 and MSPP Policies DMT1 and DMT2 inasmuch as they are relevant to the transport and highways impacts of the development. A planning condition could have been used to ensure provision of satisfactory revised storage arrangements for cycles and refuse bins if the appeal were to be allowed.

External appearance

13. The building has been constructed in red bricks with a shallow hipped pitched roof with wide overhanging eaves. There is a regular pattern of black coloured uPVC windows to all floors and black painted balustrading to the upper floors. The proposed fourth floor would be constructed in matching brickwork and a continuation of the lines of windows and balconies from the floors below. Two additional flats would be provided following the existing floor layout. Therefore,

the external appearance to the proposed fourth floor would clearly reflect the design of the existing building.

14. A single flat would be created on the top fifth floor which would be set in on all sides. This floor would have a contrasting design comprising floor to ceiling height glazing and aluminium cladding with a flat roof. Whilst the top floor's appearance would differ, a contrasting treatment to provide a subservient design set back from main walls, is not an uncommon approach. Examples of a contrasting design with set back walls can be seen at nos. 77 and 107 Worple Road. Vertical continuation of fourth floor walls to provide a parapet would also restrict some views of the top floor. The proposal would result in a sympathetic and satisfactory external appearance to the appeal building.
15. There is great variation in the design, width and massing of buildings along this part of Worple Road. These include many relatively recent buildings of flats, up to four storeys in height, but there are also some lower two and three storey buildings. Haverley House, a building of flats on the facing corner of Worple Avenue, nos. 91-93 Worple Road, the adjacent semi-detached building, and houses along Worple Avenue all have pitched roofs. The proposed flat roof's appearance would inevitably differ. But there are varying details to nearby pitched roofs and Worple Road contains examples of flat roofed buildings nearby fronting Worple Road such as on the corner of Edge Hill. The pitched roof to the existing building is much shallower than those to neighbouring buildings and includes a central flat crown roof. Its roof therefore already differs in appearance from its neighbours.
16. The proposed enlargement to 6 floors would result in a higher building that would depart from the prevailing pattern of buildings not exceeding four storeys. Haverley House has 5 levels but these include an underground car park; the building presents at 4 levels to Worple Road. In relation to its height the proposal would be at some variance with the prevailing character and appearance of Worple Road.
17. The enlarged building would be a prominent feature in the street scene due to its height, particularly when viewed from the east along Worple Road as this is a corner site. The flat roof would not be conspicuous next to the building but would be visible in views in both directions along Worple Road and from the higher ground in Worple Avenue. Yet the building would not be an unattractive feature. Whilst there is some regularity in the prevalence of four storey buildings, there is also variation in roof heights, roof designs and massing. In this context, even if I were to agree that consideration of the effect of the proposal on the wider area is a relevant consideration in regard to the permitted development allowance, any harm to local character would not be so great to warrant refusal of prior approval in relation to external appearance.
18. My findings are that the external appearance of the enlarged building would be acceptable for the purposes of Part 20, Class A of the GPDO. The Council asserts that the building would be unduly prominent due to its height and would thereby conflict with Merton Core Strategy policy CS14 (2011) (MCS) and Merton Sites and Policies Plan (2014) (MSPP) policies DMD2 and DMD3. Insofar as they are relevant to the consideration of the external appearance of the building, the proposal would accord with these design policies. Acceptance of some degree of divergence in height as an inevitable consequence is implicit in the introduction of the permitted development right.

Other Matters

19. Local residents have objected to the proposal on other issues, not all of which fall for consideration as prior approval matters under Paragraph A.2. The impact on the amenity of occupiers of neighbouring buildings is a relevant consideration under Paragraph A.2.(g). The proposal is accompanied by a Daylight and Sunlight Analysis¹ which finds that most rooms at neighbouring properties would retain access to daylight and sunlight. There would be a slight impact at certain kitchens at 91 Worple Road and at 85-87 Worple Road. I have no reason to disagree with the Council's findings that there would not be a material loss of light as a result of the proposal. There would be sufficient separation between facing windows at neighbouring dwellings to ensure no significant loss of privacy through overlooking. A condition requiring approval of a construction management plan could address concerns about noise and disturbance arising from building processes.

Conclusion

20. The proposal would result in the provision of additional housing in accordance with the objective to significantly boost the supply of homes as set out at Paragraph 60 of the Framework. However, this benefit would be outweighed by the harm I have identified in relation to transport and highway impacts.

21. For the reasons given above I conclude that the appeal should be dismissed.

Rory MacLeod

INSPECTOR

¹ Daylight and Sunlight Analysis by ERS Consultants Ltd dated 10/11/2020