



Appeal Decision

Site Visit made on 8 November 2021

by Mark Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2021

Appeal Ref: APP/T5720/W/21/3273819

Alpine Works, Hallowell Close, Mitcham CR4 2QD

- 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 Patel of Southpark Properties (UK) Ltd against the decision of the Council of the London Borough of Merton.
 - The application Ref 20/P2140, dated 2 July 2020, was refused by notice dated 27 October 2020.
 - The development proposed is Single storey extension to the front and change of use from B8 storage and distribution to C3 residential to create 2 No one bedroom self-contained flats.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted amended plans as part of the appeal¹. The amended plans omit the front extension and rear courtyards detailed on the original proposals and now include external amenity space to the front of the building.
3. The amended plans did not form part of the scheme that the Council made its decision upon. I am not aware that all those who should have been consulted on the proposed changes have been given the opportunity of such consultation. The Procedural Guide to Planning Appeals – England states that the appeal process should not be used to evolve proposals. Having regard to the Wheatcroft principles², I consider that this appeal must be determined on the basis of the plans submitted to the Council and upon which it based its decision, which have been subject to consultation and not the suggested amendments. To do otherwise could prejudice unacceptably the interests of interested people who would not have been consulted on the amended plans and who may have observations to make.
4. The London Plan 2021 (LP) was adopted in March 2021 and its policies replaced those within the London Plan 2016, including Policies 3.5, 7.4 and 7.6 referred to in the Council's reasons for refusal of planning permission. The main parties were given the opportunity to comment on the relevance of this to the appeal. I have had regard to any comments received and the new LP in my decision.

¹ Drawing ref AW-100-A, AW-101-A, AW-102-A and AW-103-A

² Wheatcroft (Bernard) Ltd v Secretary of State for the Environment (1982) JLP 37

5. On 20 July 2021, a revised version of the National Planning Policy Framework (the Framework) was published. However, it does not materially alter the national policy approach in respect of the issues raised in this appeal.

Main Issues

6. The main issues are whether the proposed new dwelling would provide for a satisfactory standard of accommodation for future occupiers, with particular regard to privacy, external amenity space and outlook, and on the character and appearance of the area.

Reasons

Standard of accommodation

7. The appeal property is a single storey flat roofed structure which was formerly used for commercial storage located at the end of Hallowell Close. It is proposed to convert and extend the building to create two flats each with one bedroom. Both units would be served by windows to the front elevation of the building and unit 1 would also have windows in the side wall facing towards the parking and refuse area. The front windows, which would serve the living/dining rooms and bedrooms of both units, would be located in the extended part of the building at the edge of the highway and therefore further forward than the existing windows.
8. Although Hallowell Close is not a through route, it does lead to a number of adjacent dwellings. To access those properties the neighbouring occupiers would pass alongside the front windows of the proposed flats. At the time of my visit I also observed vehicles turning at the end of the cul-de-sac within close proximity of the appeal building. Although this was only a snapshot in time, there is no substantive evidence to indicate that it is not typical of its use. Given the position of the building relative to the highway, the front windows of both units would be overlooked at close range from the street, which would result in an unacceptable lack of privacy for the habitable rooms of both units.
9. The private external amenity space for each unit would comprise rear courtyards enclosed by the building against the rear site boundary. The plans indicate that each courtyard would amount to 5sq.m, though according to the Council they would each be 4.4sq.m. Be that as it may, the size of the proposed amenity spaces would not reflect the more generous gardens of properties elsewhere on Hallowell Close. The external spaces would be very restricted in size, hemmed in by high walls and so very confined in nature, and be north-west facing, such that the outlook from these areas would be poor. As such these spaces would be unlikely to provide an adequate space to cater for the needs of future occupiers.
10. The appellant refers to the availability of nearby public open spaces. However, these are not private spaces and therefore would not provide sufficient mitigation for the inadequacy of private external amenity space at the appeal site. Consequently, the proposal would not provide adequate private external amenity space for the future occupiers of the proposal, to the detriment of their living conditions.
11. I therefore conclude that the development proposed would not provide an adequate standard of accommodation for future occupiers having regard to

privacy, external amenity space and outlook. It would therefore be contrary to Policies CS9 and CS14 of the Merton Core Strategy (2011) (CS), Policy DM D2 of the Merton Sites and Policies Plan (2014) (SPP) and Policies D3 and D6 of the LP. Amongst other things, these policies seek to secure good quality living conditions, amenity space and privacy.

Character and Appearance

12. The appeal property is set back slightly from the road edge apart from a small front entrance porch which projects forward of the building. Its external materials comprise rendered walls with low level brickwork and quoin detailing. The utilitarian design and appearance of the building reflects its previous commercial usage.
13. The surrounding area is predominantly residential, though there is also a school to the west within close proximity of the site. With the exception of the appeal property and No 35, a bungalow to the south of the site, Hallowell Close is otherwise characterised by two storey terraced properties which are set back from the road with small gardens behind low boundary walls and planting. Properties are relatively uniform in appearance, and include bay windows, small gable features, porches and canopies, which results in a distinctive pattern of development which positively contributes to the character of the street scene.
14. Although the scale and design of the proposed extension would reflect the existing building and external materials would match, the existing set back and front entrance porch which provide some relief from the road, would be lost, and replaced with a uniform front elevation, which would lack visual interest by comparison with the original. The loss of the set back would also fail to reflect the prevailing pattern of development along Hallowell Close, where properties are stepped back from the pavement, and would thereby harm the street scene.
15. For the above reasons, I conclude that the development proposed would be harmful to the character and appearance of the surrounding area. It would therefore conflict with Policy CS14 of the CS, SPP Policies DM D2 and DM D3 and Policies D3 and D6 of the LP. These policies seek to ensure, amongst other things, that new development is of high quality design which respects local character.
16. CS Policy CS13 was referred to in the Council's reason for refusal, but as it relates to open space, nature conservation, leisure and culture, it is of limited relevance to the main issues.

Other Matters

17. The appellant refers to similar developments in the area. However, I do not have the substantive details of these cases before me to enable me to draw any comparisons with the appeal proposal, and each inevitably has design considerations and a surrounding context specific to it rather than to the appeal site. Accordingly, I have determined the appeal on its own merits and do not find that the presence of other developments in the area outweighs or alters my findings above.
18. The proposal would bring a vacant building back into use whilst making a useful contribution towards the Borough's housing needs and the housing mix

in the area. The development proposed would also have economic benefits through the creation of employment opportunities during the construction phase and spending in the local area by future occupiers. However, only limited weight is attributable to these benefits given the scale of the development proposed. The benefits of the proposal do not individually or cumulatively outweigh the harm I have identified.

Conclusion

19. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal should be dismissed.

Mark Ollerenshaw

INSPECTOR