



Appeal Decision

Site Visit made on 30 November 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2021

Appeal Ref: APP/T5720/W/21/3272193

16-20 Morden Road, South Wimbledon, London SW19 3BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Peer Securities Ltd against the decision of the Council of the London Borough of Merton.
 - The application Ref: 19/P3772, dated 21 October 2019, was refused by notice dated 8 January 2020.
 - The development proposed is demolition of existing bank (Class A2) and erection of a new residential block (Class C3), comprising 26 x self-contained flats with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the banner heading above is taken from the appeal form and decision notice in the interests of precision.
3. A new version of the London Plan (LnP) was published in March 2021 and a new version of the National Planning Policy Framework (the Framework) was published in July 2021. The parties have had opportunity to comment on the engagement of these new policy documents in relation to the appeal, and so will not be disadvantaged by my consideration of them.

Main Issues

4. The main issues in this case are:
 - Whether the proposed development would provide suitable living conditions for its future occupants, with particular regard to the effects of traffic, frontage design and landscaping, outdoor amenity space and single aspect dwellings; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Living conditions of future occupants

5. The appeal site comprises a vacant three-storey bank and offices building and its external areas, located on the southern approach to the crossroads of the

A219 Morden Road and the A238. A multi-lane road layout passes the front of the site, approaching the intersection of these urban London 'A' roads.

6. Judging by the road layout and location, and what I saw of the traffic during my site visit, albeit a snapshot in time, the following factors are particularly noticeable on the A219 at the front of the appeal site. An apparently steady flow of several lanes of queuing northbound traffic passes in front of the appeal site on the approach to the crossroads. Vehicles idling, slowing down and speeding up in the northbound queues generate noise and fumes, as does southbound traffic. Buses pulling up to and away from the northbound bus shelter in front of the adjacent Spur House, and the southbound bus shelter opposite the appeal site add to the vehicle activity. There is also frequent siren noise from emergency services vehicles, which I observed on a weekday, travelled past the front of the appeal site around every ten minutes.
7. This corridor of intense vehicle activity, with associated noise and air pollution on the A219, passes around 6m from the location of the proposed block's front elevation. This results in a dominant and intrusive traffic presence at the location of the front of the proposed residential building, which would house six floors of dwellings, including on the ground floor.
8. Proposed landscaped areas with low front walling and compact hedging, together with compact street trees would provide some relief from the traffic's dominance, for future occupants entering and exiting the proposed block, including those who would look out from and reside at the three proposed front-facing ground floor flats.
9. Also, glazed, partly recessed balcony areas are proposed as 'winter gardens'. These would provide some sound, heat and noise insulation, and visual and spatial relief from the traffic's dominance for future occupants of the 15 flats located from floors one to five, facing onto the A219. Some future residents may well use these spaces for indoor plants, with associated therapeutic value.
10. Furthermore, outdoor amenity space would be provided to the rear of the proposed block, in the form of private space for the rear ground floor flats, and a communal garden for residents. There would a roof garden on the fifth floor. Also, the appeal site is located within reasonably convenient walking distance of public open space at the Abbey Rec, Merton Park Green Walks and Nelson Gardens. Consequently, the occupants of the proposed development would have access to a variety of outdoor amenity space.
11. However, an established approach of deeper front garden and forecourt setbacks in front of dwellings on the A219's southern approach to the appeal site, is articulated for example at the neighbouring Falcon House and terraced housing, and the Gilbert Close and Priory Close blocks opposite. These landscaped setbacks provide visual and spatial relief from the traffic's dominance for residential properties. By contrast, the depth of the landscaped frontage area for the proposed residential building would be substantially shallower.
12. Furthermore, the depth of the proposed landscaped frontage area, including space for hedging and tree planting, would appear limited in proportion to the substantial hard, dominant presence of the highway corridor, and the scale and height of the proposed residential block. This would limit the volume, visual presence and possibly also the longevity of planting mass in the streetscene,

and result in the landscaped frontage area appearing and feeling 'skinny' within its context. This is likely to limit the visual and psychological relief from the traffic's dominance and the built-up elements which the proposed frontage landscaping would provide for future occupants, including those entering and exiting the block, and living in the front ground floor flats.

13. The limited nature of such setback space and urban greening for the proposed scale of residential development, in proximity to the intense traffic activity and dominance of the A219 road corridor, would impede the achievement of comfortable living conditions for future residents of the block.
14. Moreover, the absence of hallways would result in front doors entering directly into the main living space of the proposed front ground floor flats. This would exacerbate the sense of intrusiveness of the traffic for occupants of these dwellings.
15. That the proposal would be set slightly further back from the A219 than the adjoining Spur House, which does not appear to have residential use at ground floor level, and the existing non-residential building on the site, does not alter my above findings.
16. Regarding single aspect dwellings, Housing standards and quality Policy D6 of the LnP seeks to 'normally' avoid these, and maximise dual aspect development in new development. That said, LnP Policies D3 and D6 together allow for the possibility of denser, single aspect development in locations that are highly accessible by public transport, cycling and walking, as the appeal site is, subject to achieving, among other things, appropriately high quality, comfortable living conditions for Londoners.
17. Supporting text paragraph 3.6.5 under Policy D6 of the LnP, and Standard 29 of the London Plan Housing Supplementary Planning Guidance (SPG) together indicate a range of concerns about single aspect dwellings. These include potential difficulties in achieving passive cross-ventilation, and risk of overheating within a context of climate warming and urban heat island considerations. Among other things, paragraph C of Policy D6 includes a requirement for proposed single aspect dwellings to demonstrate adequate passive ventilation and avoidance of overheating. Furthermore, paragraph 3.6.5 of the LnP specifies that the design of single aspect dwellings 'must' demonstrate how they will avoid overheating without reliance on energy intensive mechanical cooling systems.
18. In the appeal proposal, single aspect dwellings would be limited, in the sense of scale, to less than three bedrooms. Also, single aspect dwellings would be contained as a numerical proportion to nine units, leaving around a two-thirds majority as dual aspect dwellings. The building frontage would be relatively open and expansive, assisting with receipt of light to dwellings. Also, the proposed single aspect dwellings' windows would face other than northwards. As such, the proposed development would go some way towards meeting some of the guideline criteria for 'good' single aspect homes, which are set out in supporting text paragraph 2.3.40 for Standard 29 of the SPG.
19. However, no substantive cooling and ventilation assessment of the proposed nine single aspect dwellings, to decisively demonstrate that they would avoid overheating without reliance on energy intensive mechanical cooling systems, is presented.

20. Full details of the High Path residential regeneration scheme on other land in the area¹, and the rationale behind its approvals are not before me. Also, it appears² that the High Path scheme differs from the current appeal proposal in several ways, such as setback from the road, and provision of entrances into hallways. Moreover, while the appellant's Statement of Case³ refers to a High Path scheme layout extract as showing 'residential units at ground floor with front door openings directly onto Morden Road', this layout appears to show development several blocks back from Morden Road, facing onto Pincott Road. It is also not clearly demonstrated that the 'illustrative view' brochure image of potential development facing the appeal site on Morden Road⁴ depicts approved design detail for the High Path scheme.
21. The above together limits the extent to which the approved High Path scheme is analogous to the current appeal proposal, and the weight it carries in this case, in terms of the living conditions aspects of the Morden Road interface. Moreover, the information presented on the High Path scheme does not outweigh the specific concerns identified above regarding future occupants' living conditions in this appeal case, nor alter my consequent findings.
22. I conclude that the proposal would not provide suitable living conditions for future occupants, in terms of the dominance of traffic, frontage design and landscaping, and ventilation and cooling of single aspect dwellings. As such, the proposal would conflict with Policy DM D2 of the Merton Sites and Policies Plan (SPP), Policy CS 14 of the Merton Core Planning Strategy (CS), and Policies D3 and D6 of the LnP. Together these policies seek to ensure that development achieves high design quality that protects residents' living conditions.

Character and appearance

23. The appeal site is located within a context of residential blocks to the north, south and east, and terraced housing in the locality. Housing styles from the Victorian period, twentieth and twenty first centuries combine with trade park and retail development on Morden Road. The emerging High Path residential regeneration scheme will add to this variety of character. Altogether, there is a sense of evolving character towards the crossroads with the A238, with a mix of traditional and modern housing.
24. Within this context, the proposed building's exterior style would combine modern architectural personality with a harmonious rhythm of fenestration and materials. Furthermore, it would provide a more gradual step down between the building heights of the taller Spur House to the lower Falcon House than the existing situation. This would moderate the blank expanse of the southern gable end of Spur House, and provide a visually smoother transition between the mass of these blocks. Also, soft landscaping would add some urban greening to the site and street.
25. However, as established earlier in this decision, the proposed landscaped frontage area would appear inadequate in proportion to the highway corridor, the proposed block, and more traditional landscaped setbacks between the highway and housing on Morden Road. This aspect of the residential proposal would be discordant with the character of the area, and fail to achieve a

¹ Planning Application Refs: 17/P1721 and 19/P1852.

² As indicated by paragraphs 8.6 and 8.13 of the Council's Appeal Statement.

³ Paragraph 7.11, page 21.

⁴ As illustrated in the High Path Masterplan image, attached with the Appellant's Rebuttal Statement.

suitably high quality balance of hard and softer, green elements at this prominent location.

26. I therefore conclude that the frontage area of the proposal would harm the character and appearance of the area. As such, it would conflict with Policy DM D2 of the SPP, Policy CS 14 of the CS and Policy D3 of the LnP, which together seek to ensure that development complements local character.

Other Matters

27. The existing building on the site is substantially smaller in scale than that proposed in the current appeal scheme, which limits the extent to which the two are analogous. Furthermore, that the appellant indicates they may seek to pursue an alternative scheme to convert the existing building on the site to flats, should the appeal fail, does not alter the above specifics in this case and my consequent findings.
28. The proposal would animate this brownfield site, and contribute to local housing supply in the form of 26 flats, with associated socio-economic benefits to the area during and after construction, including custom for local businesses, facilities and services. It would also moderate the appearance of the southern gable end of Spur House and add some greening to the streetscene in the form of frontage planting. Together, these benefits carry moderate weight and do not outweigh the significant totality of harm identified.
29. I appreciate that following engagement with the Design Review Panel and evolution of the scheme, the Planning Officer's Report to the Planning Applications Committee found insufficient harm to recommend refusal, but this does not alter my reasoning. In any case, Members reached a different conclusion.
30. Third party concerns have been expressed which go beyond the reasons for refusal, including regarding parking and privacy of neighbouring dwellings. As I am dismissing the appeal on other grounds, it is not necessary for me to consider these matters further in this instance.

Conclusion

31. The proposal would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

William Cooper

INSPECTOR