



Appeal Decision

Site visit made on 14 February 2022

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2022

Appeal Ref: APP/T5720/W/21/3279214

25 Melrose Road, Merton Park, London SW19 3HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by William Jack McKeown against the Council of the London Borough of Merton.
 - The application Ref 20/P3684, is dated 9 November 2020.
 - The development proposed is for the installation of a hard-standing with vehicular crossover. Removal of Holly hedge.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity and brevity, I have used the description of development given in the Council's Officer report.
3. The Government published a revised *National Planning Policy Framework* (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document.

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the John-Innes Merton Park Conservation Area.

Reasons

5. The appeal site and host dwelling of No 25 Melrose Road are located in the John-Innes Merton Park Conservation Area (Conservation Area). The special character and significance of the Conservation Area is derived in part by verdant lines of Holly hedging, which in this specific location help to soften the built form along Melrose Road. No 25 is an older style, semi-detached dwelling that has a Holly hedge that lines its front boundary. The front boundary of No 25 also has a simple wooden gate on the left-hand side that leads to a paved and landscaped patio garden beyond. The gate is directly adjacent to a similar gate that provides access to the neighbouring dwelling of No 27 Melrose Road.

6. The proposal is to remove approximately half of the Holly hedging to the front of No 25, and to construct a crossover and hard-standing to enable off-street parking for the host dwelling.
7. I noted at my site visit that there are a number of other properties along Melrose Road that have crossovers to the front. However, I cannot be certain if they were permitted under the same development plan as the proposal before me or not. Therefore, I have considered the proposal on its own planning merits.
8. As such, where crossovers exist on Melrose Road; they are either to the front of larger detached properties, are part of dwellings that have a greater degree of separation from the neighbouring dwellings than the separation gap found between No 25 and No 27, and/or are located where a good proportion of verdant boundary and landscaped garden associated with the host dwelling remains. Whereas the proposal would; remove a large section of the existing Holly hedge to the front of No 25, be in close proximity to the gateway to No 27, and have a disproportionate amount of hardstanding in comparison to the landscaped garden that would remain.
9. Therefore, notwithstanding the proposed replacement of the wooden gates, the void in the hedgerow created by the development would be in stark contrast to the character of the Conservation Area, that is predominantly typified by continuous Holly hedge lines which help to maintain the special and verdant quality of the Conservation Area. In addition, the partial removal of the hedge would provide increased glimpses of the dwelling and the hard surfaces of the proposed parking-area beyond. Additional landscaping including flower-beds would not provide satisfactory mitigation. Consequently, I conclude that the development fails to preserve or enhance the character or appearance of the Conservation Area and results in an unacceptable degree of harm.
10. Accordingly, I find that the proposal is contrary to Policy D4 of the London Plan (2021), Policies DMD2 and DMD4 of the Merton Council Sites and Policies Plan and Policies Maps (2014) and Policy CS14 of the London Borough of Merton LDF Core Planning Strategy (2011) which say, amongst other things, that all development needs to be designed in order to respect, reinforce and enhance the local character of the area in which it is located.
11. Similarly, the proposal is contrary to Paragraph 200 of the Framework which says any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Planning balance

12. The above considerations would result in 'less than substantial harm' to the Conservation Area. The courts have confirmed that 'less than substantial harm' does not equate to a 'less than substantial planning objection', and this is supported by the national *Planning Practice Guidance* which requires that whether a proposal causes 'less than substantial harm' will be a judgement for the decisionmaker, having regard to the circumstances of the case and the Framework. As such, Paragraph 202 of the Framework provides for a balancing exercise to be undertaken, between 'less than substantial harm' to the designated heritage asset on the one hand, and the public benefits of the proposal on the other.

13. I acknowledge that the development would reduce the number of vehicles at the host dwelling needing to park on the highway, and that the proposal could also include an electric charging point for the appellants use in addition to public charging points available locally. Nevertheless, I attribute minimal weight to the combined economic, social and environmental benefits provided by the relatively small-scale development, and as a result that these benefits would be insufficient to outweigh the harm I have identified to the significance of the Conservation Area.

Conclusions

14. Therefore, having considered all matters raised in support of the development, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Accordingly, the development is in conflict with the adopted development plan when considered as a whole, and given the above would also conflict with Policies contained within the Framework, and as there are no other material considerations that indicate a decision other than in accordance with those Policies, I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR