



Appeal Decision

Site visit made on 5 May 2022

by G Rollings BA(Hons) MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2022

Appeal Ref: APP/T5720/W/21/3289699

South Park Court, South Park Road, Wimbledon, London, SW19 8TD

- 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 prior approval required under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Chucki Ltd against London Borough of Merton.
 - The application Ref 21/P3130, is dated 27 August 2021.
 - The development proposed is prior approval in respect of the proposed erection of two additional storeys on top of an existing building to create 3 additional residential units.
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Decision

1. The appeal is dismissed and planning permission for prior approval in respect of the proposed erection of two additional storeys on top of an existing building to create 3 additional residential units at South Park Court, South Park Road, Wimbledon, London, SW19 8TD is refused.

Preliminary Matters and Main Issues

2. Under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), prior approval can be granted for the construction of up to two additional storeys of new dwellings immediately above an existing block of flats, subject to limitations and conditions.
3. Paragraph A.2 to Part 20 requires the local planning authority to assess a list of considerations, taking into account any representations received. Any matters not on this list are not within my consideration in this appeal, but the list does include the external appearance of the building and the transport and highways impacts of the development.
4. The Council did not determine the application within the required timeframe. Within Part 20 there is no deemed prior approval in the event that the Council fails to issue a decision, and it therefore falls to me to determine the application.
5. There is no dispute between the parties that the proposal is one that requires prior approval. However, the Council has advised that were it to have decided the application, it would have refused prior approval for the reasons that form the main issues of this appeal:
 - The effect of the proposed development on the external appearance of the building; and

- The effect of the proposed development on local transport and highways.
6. The main parties are in agreement that none of the other considerations in paragraph A.2 to Part 20 are in dispute.

Reasons

External appearance

7. Part 20 allows the decision maker to have regard to the external appearance of the proposal. This definition provides no scope for consideration of the building's design relationship to its neighbours or its overall contribution to the street scene. Accordingly, my consideration is limited solely to the appearance of the appeal building.
8. The building is currently a three-storey block of brick and render with a flat roof. The proposed two-storey extension atop the existing building would mimic the existing external treatment on the third floor, with a zinc-clad top floor set in from the sides of the building by less than a metre. The Council's objections amount to an opinion that the cladding would be unsightly and that the setbacks are minimal, which would result in the building having a bulky appearance.
9. The lack of a proper setback at top floor level would cause the building to appear blocky, with this only slightly offset by the zinc cladding. This would be accentuated by large blank areas of brick on the sides of the building. Moreover, the absence of an appropriate top-floor 'cap' in the building's design would result in an overall bulky and undesirable appearance that would fail to achieve the high standard of design sought by paragraph 134 of the *National Planning Policy Framework* (2021) (the Framework).
10. I have considered the two previous appeal decisions¹ submitted by the appellant that include considerations of the external appearance of their respective proposals. The principle of upward extensions, which is established by the GPDO, is not disputed in any of the appeals. However, given the bespoke design of each proposal including the one before me, I do not consider that any principle established by the previous appeals can be applied in this case.
11. I therefore conclude that the proposed development would have a harmful effect on the external appearance of the building.

Local transport and highways

12. The site is close to Wimbledon town centre and surrounding streets including South Park Road are within a controlled parking zone that is subject to restrictions that extend across all days of the week, including into the evenings. The Council administers the zone and advises that parking demand within the area is high and that there is a subsequently high level of parking stress. Although there are on-site parking bays at present, no new bays are proposed and I note the Council's concern that no information has been provided by the appellant as to the availability or intended usage of these spaces by prospective residents.

¹ Appeal Ref APP/T5720/W/20/3265316, decision date 24 August 2021; and Appeal Ref APP/T5720/W/3275203, decision date 16 September 2021.

13. The area has a very high level of public transport connectivity which suggests that car-free development could be possible. However, this would need to be enabled through an agreement with the Council in the form of a planning obligation. Without an obligation, there is no guarantee that the occupiers of the new dwellings would not apply for parking permits, which would add to the local parking demand and stress.
14. In both of the previously cited appeal decisions, the presence and absence of planning obligations were reasons for the respective allowance and dismissal of the appeals. I appreciate that the appellant was engaged in lengthy discussions with the Council on this issue, but without a completed agreement before me this has no bearing on the main issue. Given the local circumstances, such an agreement is otherwise necessary and in its absence, I conclude that would result in parking congestion that would have a harmful effect on local traffic and highways.

Other Matters

15. I have had regard to the Framework and the policies of the Council's development plan only insofar as they are relevant to the prior approval matters of the development. Various other issues were also raised by interested parties, but in this instance my findings on the main issues are sufficient to dismiss the appeal.

Conclusion

16. There are no material considerations that require me to determine the appeal other than in accordance with the development plan for the area. Accordingly, for the reasons given above, I conclude that the appeal should be dismissed, and prior approval is refused.

G Rollings

INSPECTOR