
Appeal Decision

Site visit made on 26 July 2022

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19TH August 2022

Appeal Ref: APP/T5720/D/22/3292876

30 Mostyn Road, London SW19 3LJ

- 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 C Scott against the decision of the Council of the London Borough of Merton.
 - The application Ref 21/P1111, dated 17 March 2021, was refused by notice dated 6 December 2021.
 - The proposed development is a garden room/outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for a garden room/outbuilding at 30 Mostyn Road, London SW19 3LJ in accordance with the terms of the application, Ref 21/P1111, dated 17 March 2021, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the development on the character of the dwelling and the surrounding area, including the siting within the John Innes – Merton Parking Conservation Area (CA).

Reasons

3. The appeal site comprises the rear garden of a dwelling that lies on the junction between Mostyn Road and Church Path. The neighbourhood is predominantly residential in nature.
4. Special attention must be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 199 of the National Planning Policy Framework states that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
5. The special architectural and historic interest of the CA derives from the homogeneity in the architectural designs of the buildings, and the similarities of certain of the designs to others in the CA. While the majority of buildings are architectural "one-offs", nevertheless the broader architectural styles are very important to the creation of its distinctive character, and they provide a strong sense of unity to the area.

6. The proposal is for a detached outbuilding towards the end of the rear garden of the property. The element would be low level with a flat roof, and set back from the boundary with Church Path. To my mind, the scheme would have a minimal impact on the immediate surrounds, particularly once screening has been installed in the form of the replacement border fence as shown in the image on the appeal plans. Such treatment can be secured through the imposition of a condition.
7. From Church Path and the broader backland setting, views of trees over the fence and roof of the proposed outbuilding will remain, and the sense of separation of the building from its neighbours would still be preserved. Taken in the round, I consider that there would be no adverse affect on the wider CA.
8. I therefore conclude that the scheme would be in keeping with the character of the surrounding area, including the siting within the CA. It would meet Policy CS 14 of the London Borough of Merton LDF Core Planning Strategy July 2011, Policies DM D2, DM D3 and DM D4 of the Merton Sites and Policies Plan 2014 and Policies D3, D4, D8 and HC1 of the London Plan 2021, which cumulatively seek to secure new development of acceptable scale and appearance and to protect the significance of heritage assets.

Conditions

9. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. I have altered the wording of some of the conditions suggested by the Council in the interests of clarity and necessity. In addition to the standard implementation condition, a condition requiring the development to be carried out in accordance with the submitted drawings is reasonable and necessary for the avoidance of doubt and in the interests of proper planning. A condition requiring external materials in accordance with those set out in the application form would provide for a satisfactory appearance.
10. Imposing hours of demolition and construction would ensure the protection of the living conditions of the occupants of neighbouring properties. Arboricultural protection and supervision can be secured to ensure retention of local trees. A condition requiring details of the boundary fencing would provide for satisfactory screening.

Conclusion

11. Based on the preceding, the appeal is allowed.

C Hall

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 30MR-PR-001 Rev C
- 3) The external finishes of the development hereby permitted shall be those specified in the application form unless otherwise agreed in writing by the Local Planning Authority.
- 4) Demolition or construction works shall take place only between 8am and 6pm Monday-Friday, 8am and 1pm Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 5) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 6) No works or development shall take place until a scheme of supervision for the arboricultural protection measures required by condition 5) shall have been submitted to and approved in writing by the local planning authority. This scheme shall be appropriate to the scale and duration of the works.
- 7) The development shall not be occupied until details of the proposed boundary treatment shall have been submitted to and approved in writing by the local planning authority. The boundary treatment shall be installed as approved before the development is occupied and retained thereafter.