



Appeal Decision

Site visit made on 17 October 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 DECEMBER 2022

Appeal Ref: APP/T5720/W/22/3292549
95 St James Road, Mitcham CR4 2DF

- 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 Jake Bolter against the decision of the Council of the London Borough of Merton.
 - The application Ref 21/P3779, dated 18 October 2021, was refused by notice dated 29 December 2021.
 - The development proposed is the erection of a detached single-family house with private amenity spaces, cycle and refuse storage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. No 95 St James Road is a two-storey semi-detached house on a triangular plot of land close to the junction with Figges Road; the plot has a wide street frontage and tapers towards the rear. The surrounding area is predominantly residential, with low-rise housing typical of the inter-war period laid out mainly in semi-detached pairs or, more usually, short terraces of four or six dwellings. Although individual dwellings have inevitably been altered and extended over the years, housing in the area generally retains a consistency of form, massing and rhythm which gives the neighbourhood a neat and unobtrusive appearance and regularity of character. The residential area is bounded by the open space of Gorrige Park/Figges Marsh to the west, from where the appeal site is visible.
4. The proposed development is the erection of a new three-storey (including loft level) detached dwelling with a right trapezoidal footprint, to be built in the side garden north-west of the existing dwelling on a space currently partly occupied by a single-storey prefabricated shed-type outbuilding. It would be set on the same front and rear building lines as Nos 93 and 95 and would also have the same ridge and eaves height, and front roof pitch; in these respects, the proposed dwelling would be in keeping with the character and appearance of its neighbours.

5. The treatment of the roof, in particular at the western ("pointy") end of the building, would be rather different from the wider surroundings. The submitted Design and Access ("D&A") statement describes the evolution of the scheme, starting from a dwelling of traditional form, massing and appearance with hipped roof at the western end and front and rear dormers. From this fairly conventional starting point though, the D&A statement describes the western end of the building being "cut" at an angle, an external terrace being inserted at loft level, the front dormer being removed, and the rear dormer being remodelled to incorporate it into the main roof space. The appellant describes the architectural language of the proposed building as "courageous", and indeed it is. However, the irregular, angular, multi-faceted form of the roof which would result from the design approach would dominate the western end of the site and the surrounding streetscape; when seen approaching either from Figges Road or Gorrington Park it would be visually confusing and incongruous, at odds with the more regular form found in other housing in the area.
6. The appellant drew my attention to a recent grant of planning permission for a dwelling alongside 106 Gorrington Park Avenue¹; I was able to see that other site at the time of my site visit. The appellant describes the proposed dwelling at Gorrington Park Avenue as "plain and simple" in form, in contrast to the "assertive choice of geometries and materials" proposed for the appeal site. I do not disagree with the appellant that "the urban grain of the neighbourhood can accommodate small houses infilling side gaps between existing terraces and semi-detached pairs", and indeed this is not disputed by the Council either – there is no "in principle" objection to the scheme. However, the Gorrington Park Avenue site is in a much less prominent location than the appeal site, and that development has been permitted by the Council there does not carry significant weight in favour of the appeal scheme.
7. The proposed materials – white lime render walls and zinc cladding roofs in either green (as originally proposed) or rust red (as suggested in the appellant's statement) would be entirely acceptable. However, given the largely consistent nature of the other housing nearby as I have described above, I consider that the roof form proposed in this case would be harmful to the character and appearance of the area, and this harm would not be outweighed by the acceptable elements of the scheme's design.
8. Because of the harm to the character and appearance of the area, I conclude that the proposal would conflict with Policy CS14 of the 2011 Merton Core Strategy, Policy DM D2 of the 2014 Merton Sites and Policies Plan, and with Policies D3 and D4 of the London Plan 2021. Among other things, these policies seek to ensure that development respects and reinforces local character, including building types and forms.

Other Matters

9. The proposal would create an additional family dwelling, close to shops, services and public transport connections. Supportive comments were submitted to the Council in response to the planning application consultation; as well as matters related to the main issue above, it was also suggested that the scheme would make use of under-utilised land, would provide the appellant with a home next to his family, and would deter fly-tipping on the adjacent

¹ LPA Ref: 21/P1714

street (presumably as a result of increased natural surveillance). I have no substantive reasons to disagree with any of these suggestions. However, they do not outweigh the harm which I have found.

Unilateral Undertaking

10. The appellant has submitted a completed Unilateral Undertaking ("UU") which contains obligations intended to secure the proposed new dwelling as car free, contingent on the granting of planning permission. The UU is intended to mitigate the effects of the proposed development on transport infrastructure and, in particular, demand for car parking. As I am dismissing the appeal for other reasons it has not been necessary for me to consider the UU in further detail; it could not alter my overall decision.

Conclusion

11. The proposed development would be harmful to the character and appearance of the area, and as a result would conflict with the development plan taken as a whole. There are no other considerations, including the Framework, which outweigh this conflict.
12. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector