



Appeal Decision

Site visit made on 30 November 2022

by J Wellstead BA (Hons), MA, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2023

Appeal Ref: APP/T5720/W/22/3298983

2 Glenthorpe Road, Morden, Surrey SM4 4JW

- 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 Enrico Mirandola against London Borough of Merton.
 - The application Ref 21/P3938, is dated 29 October 2021, was refused by notice dated 24 December 2021.
 - The development proposed is the erection of one, single storey detached two bedroom residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are the effects of the proposed development on:
 - The character and appearance of the host site and the surrounding area and;
 - The living conditions of future occupiers, with particular reference to outlook, sunlight and personal safety.

Reasons

Character and appearance

3. The appeal site comprises of a two-storey end of terrace dwelling with a rear garden which contains several outbuildings. The surrounding area is primarily characterised by terraced dwellings with off-street driveways. The host property reflects the prevailing pattern of the built form but with a larger rear garden than adjacent properties.
4. The proposal is to subdivide the rear garden to create a separate plot in which a new dwelling would be erected between the gardens of adjacent properties and a service road. The rear garden is tapered in shape and as one of the largest gardens it adds to the open, verdant character of the area.
5. The proposal would significantly reduce the size of the host property's rear garden which helps to provide a suburban character and amenity space. It would also alter the existing uniform pattern of rear gardens in the area and result in a development that was significantly at odds with its setting due to its proposed bulk and massing. The proposal would not relate to its context or reinforce local distinctiveness and would consequently cause unacceptable

harm to the character and appearance of the host site and the surrounding area.

6. Although the new dwelling would have a flat roof, single-storey profile and be finished in timber cladding, the scale, design and siting would still be visually dominant from the surrounding properties. The proposed development would be significantly larger in mass and bulk than most other ancillary outbuildings in the area. It would also protrude above the rear garden boundary fencing, and therefore, be prominent in its setting. It would appear to be an overly intensive form of development that that would be an incongruous and cramped addition to the host site and at odds with the prevailing back garden character.
7. I acknowledge that there are a number of other outbuildings in the rear gardens of neighbouring properties, however, these are generally smaller than the proposed dwelling. Moreover, the development plan is explicit that rear garden development will only be permitted if it responds positively to the local context and character of the area. In this instance this is not the case.
8. Consequently, I conclude that the proposed dwelling would cause harm to the character and appearance of the host site and surrounding area. It would be contrary to Policies D3 and D4 of The London Plan 2021, Policies CS13 and CS14 of the London Borough of Merton LDF Core Planning Strategy Adopted 2011 and Policy DMD2 of Merton's Local Plan Sites and Policies Plan 2014. These policies seek to ensure, among other matters, good design, the protection and enhancement of public and private open space and that new dwellings in rear gardens are justified against the local context and character of the site.

Living conditions

9. The development would comprise two bedrooms, a kitchen, a living/dining room and a bathroom. The living/dining room and both bedrooms would each be served by glazed bi-fold doorways facing towards the rear of the two-storey host property. The appellant proposes the removal of the existing hedgerow and provision of a new hedgerow that would be positioned to the rear of the proposed dwelling to maintain privacy. However, the close-proximity of the location of the proposed new hedgerow and the existing two-storey host property beyond it, would result in there being an obstruction of light and outlook to the main windows of the proposed development to an unacceptable degree for any future occupiers.
10. Furthermore, the significantly limited outlook from the glazed doorways and living spaces of the proposed development would result in constrained views, resulting in an oppressive effect to any future occupiers. The design would also result in poor levels of sunlight reaching the key living spaces which would negatively impact on those living conditions. Skylights are included in the design proposal, but these would not sufficiently mitigate the above concerns.
11. Vehicular access is via a short, narrow lane leading off Glenthorpe Road. This unlit lane services the rear garages of properties along Cannon Hill. The appellant proposes to make improvements to the service road and provide a lighting scheme. I consider that an appropriate lighting scheme could be added as a condition to provide a safer and more secure environment. However, the service road is tightly enclosed by the host property, an outbuilding and rear garden fencing as well as outbuildings off Cannon Hill, thereby restricting the

openness and visibility along the service road, creating neither any natural surveillance or a safe and secure environment for future occupants.

12. I therefore conclude that the proposal would not provide acceptable living conditions for future occupants in respect of security, outlook and light levels. As such, it would be contrary to Policy DMD2 of part of Merton's Local Plan Sites and Policies Plan 2014, Policies D3, D5 and D6 of The London Plan 2021, Policy CS14 of the London Borough of Merton LDF Core Planning Strategy Adopted 2011, which seek to ensure that the residential amenities of future occupiers are safeguarded.

Other Matters

13. I note that local residents have expressed additional concerns about the purpose of the proposed dwelling, noise, use, security, whether it is common land, flood risk, road maintenance and the access road. Given my findings in relation to the main issues, it is not necessary to consider these matters in detail.

Planning balance

14. MBC have confirmed that they cannot presently demonstrate a 5-year housing land supply. Therefore, the relevant policies for the supply of housing are deemed to be out of date and the 'tilted balance' is engaged in regard to paragraph 11 d) ii of the National Planning Policy Framework (The Framework). It requires permission to be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh its benefits, when assessed against the policies in the Framework taken as a whole.
15. The proposal would provide a small benefit in helping to address this within a sustainable location. There would also be social and economic benefits including in supporting employment during construction works and any future occupants would bring trade to nearby services and facilities.
16. However, the support for new housing in the development plan and the Framework is not at the expense of ensuring that all development is appropriately located and integrates suitably with its surroundings. Therefore, the significant harm on the character and appearance of the area, and on the future living conditions of occupants arising from the proposal would significantly and demonstrably outweigh any benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

17. For the above reasons, the proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

J Wellstead

INSPECTOR