



Appeal Decision

Site visit made on 21 July 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st August 2023

Appeal Ref: APP/T5720/D/23/3319774

32 Crusoe Road, Merton, Mitcham CR4 3LG

- 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 Mrs L Collins against the decision of London Borough of Merton Council.
 - The application Ref 22/P3763, dated 28 December 2022, was refused by notice dated 3 February 2023.
 - The development proposed is erection of bike shed in the front garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development used above is taken from the Council's decision notice as this more concisely describes the proposal.
3. The appellant refers to text from a draft local plan. Based on the information before me, it is unclear how far any draft local plan is away from adoption, nor what form its policies will take in its final adopted form. I therefore afford that document very limited weight. In any event, statute requires that the appeal is determined having regard to the adopted development plan at the time.

Main Issue

4. The main issue is the effect of the development proposed on the character and appearance of the host property and the area.

Reasons

5. The appeal site lies among a row of terraced period properties which line both sides of the street. These have a consistent front building line with projecting bay features at the ground floor level and small front gardens of consistent size. Together these features contribute positively to the character and appearance of the area.
6. The front gardens on this part of Crusoe Road are bound by boundary treatments which vary in their height, design and materials. I observed that many properties have paraphernalia within their front gardens including recycling containers and wheelie bins which create a degree of visual clutter in the street.
7. The supporting drawings do little to assist in demonstrating how the proposed bike shed would appear in its proposed position. However, given its proposed

height, rising to 2.2m, it would be a substantial structure and it would extend significantly above the height of the front boundary wall and would partially obscure, and jar with, the bay feature on the property. As a result, it would appear visually prominent within the front garden and harmful to the appearance of the property. While there is other paraphernalia in other front gardens in this part of the street, I am not aware of any structures of a similar scale to that proposed. Areas of nearby fencing have been highlighted by the appellant, however as boundary treatments these have a different visual impact to the proposed development. As such the proposal would also appear incongruous and cause harm to the character and appearance of the street scene.

8. I appreciate the need for cycle storage to be secure and easily accessible in order to encourage cycling and to support the objectives of the National Planning Policy Framework (the Framework) and local policies to promote sustainable transport and healthy lifestyles. The proposal would provide the benefit of giving convenient and safe cycle storage close to the house, which would support regular cycle use and be preferable to the use of public facilities further afield which the appellant states are inadequate at this time. The green roof would improve surface water run off and provide some ecological benefit. However, these benefits would be modest given the scale of the proposal and I note the supporting manufacturers details state that an extra 5cm would be added to the height if a green roof were included, further increasing the height and the resulting visual harm. Overall these benefits would not outweigh the harm identified.
9. The appellant has referenced an appeal decision for cycle storage in Wandsworth¹. I have not been provided with full details of the circumstances in that case, but I note the Inspector acknowledges the presence of other low sheds in front gardens, which were a similar height to that proposal and the Inspector concludes the visual harm in that case was 'slight'. As such the circumstances and balance of considerations in that appeal were different to the appeal before me.
10. I appreciate there are limited opportunities for a cycle storage shed to be installed to the front of the property, particularly given the size of the space and the need to accommodate other items, such as bins. However it has not been satisfactorily demonstrated that other less harmful options are not available. While there may be circumstances where other alterations to front gardens may not need planning permission, and where front gardens are unkempt, this does not provide justification for the harm which would arise here, which would be significant and long lasting. The examples evidenced on nearby streets are materially different to the circumstances of the appeal site and each case must be assessed on its own merits. Similarly, the general inclusion of cycle storage within new developments, where storage can be integrated into the site layout and design, does not satisfy me that the harm arising here should be accepted.
11. While the appellant may disagree with the approach of the development plan for Merton, and cites policies of other nearby Councils, I am nonetheless required to have consideration for the development plan for this area.

¹ Appeal ref APP/H5960/D/12/2177688

12. Overall and for the reasons given, the proposal would cause harm to the character and appearance of the host property and the local area. It would conflict with Policy CS14 of the Merton Core Strategy² and policies DM D2 and DM D3 of the Sites and Policies Plan³ which together require development to respect and relate positively to local context. The proposal would also conflict with Policy D3 of the London Plan⁴ and the Framework paragraph 130, which similarly require development to respond to local distinctiveness and character. I do not find conflict with Policy D4 of the London Plan, which relates primarily to the design assessment process.

Conclusion

13. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, the appeal is dismissed.

C Shearing

INSPECTOR

² London Borough of Merton LDF Core Planning Strategy 2011

³ Merton Site and Policies Plan and Policies Maps 2014

⁴ The London Plan 2021