



Appeal Decision

Site visit made on 9 August 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2023

Appeal Ref: APP/T5720/W/23/3314135

2D Walpole Road, Colliers Wood, Merton, London SW19 2BZ

- 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 K Atmani against the decision of the Council of the London Borough of Merton.
 - The application Ref 22/P1921, dated 18 June 2022, was refused by notice dated 15 August 2022.
 - The development proposed is described as “ground floor flat used as residential storage with planning permission for a 1 bedroom flat to be extended and divided into 2 studio flats”.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development would:
 - provide adequate living conditions for future occupiers with particular regard to the quality of internal accommodation, outlook, daylight and provision of external amenity space; and
 - provide suitable, secure, and accessible cycle storage.

Reasons

3. The appeal site comprises the ground floor of a two-storey detached building, located close to the junction of Walpole Road and Colliers Wood Road. The ground floor premises is currently disused but has previously been used for storage. The upper floor of the building is in use for residential accommodation, which is accessed via a staircase and walkway located on the side of the rear of the building. The surrounding area is a mix of commercial uses along Colliers Wood Road and mostly residential uses on the side streets such as Walpole Road.
4. Planning permission¹ has recently been granted for the conversion of the appeal site to provide a self-contained, 1 bedroom flat. There is therefore no objection in principle to the use of the site for residential purposes. However, the proposed development is seeking approval to extend the existing building to provide two self-contained studio flats.

¹ Planning Application Ref: 20/P3208

Living Conditions – Future Occupiers

5. The submitted plans show that both of the studios would provide open-plan accommodation, with a separate shower room. Studio 1 would occupy most of the footprint of the existing building, with a small extension to the rear. The internal floorspace of this unit would be 37m². Studio 2 would occupy much of the extended part of the property and would also provide 37m² of internal floorspace. However, some of the internal floorspace in Studio 2 would be located underneath the repositioned staircase, which provides access to the upper floor flats.
6. The submitted plans indicate that the minimum amount of internal floorspace, as required by Policy D6 of the London Plan 2021 (the LP), can be provided for each studio. Nevertheless, it is not simply the amount of the floorspace that requires consideration but also its quality in terms of the accommodation being provided. Policy D6 of LP states that housing development should provide adequately sized rooms with comfortable and functional layouts.
7. The irregular footprint of Studio 2 and layout shown on the submitted plan fails to demonstrate that the studio is capable of accommodating furniture items such as bed, sofa, dining table whilst also providing a comfortable and functional layout for future occupiers. Furthermore, the use of the internal accommodation would be limited by the need to provide cycle storage and the location of some of the accommodation beneath the staircase. The submitted plans also fail to provide any details of maximum or minimum ceiling height in this part of the building, which makes it difficult to assess the amount of floorspace that would be usable.
8. I accept that the future occupier may wish to furnish the flat at their own discretion, rather than adhere to a layout as shown on the submitted plans. However, the appeal is not supported by any compelling evidence to demonstrate that a comfortable and functional layout could be provided which meets the minimum requirements set out in Policy D6 of the LP. Therefore, I find that Studio 2 would provide poor quality accommodation, which only just meets the minimum internal space standard and would fail to provide a comfortable and functional layout for future occupiers.
9. In terms of fenestration, two new windows would be installed in the side elevation of Studio 1, which would both have privacy louvres installed. A further two windows would be installed at the rear of the property which would overlook a small area of amenity space and two existing high-level windows would be retained in the front elevation of the building.
10. In respect of Studio 2, two windows would also be installed in the rear elevation which would overlook a small area of amenity space and a new high-level window will be installed in the front elevation. A further tall window with a privacy louvre would be installed in the side elevation, located underneath the staircase to the upper floor flats.
11. I acknowledge that both studios would be provided with a number of window openings, in different positions within the building. However, the appeal site is constrained by virtue of its proximity to other existing buildings or structures. In this context, I recognise the need to provide natural light and ventilation which needs to be balanced against the need to also provide privacy for future occupiers. There is an obvious conflict between these aims in that the use of

- privacy louvres whilst ensuring privacy and ventilation can be achieved, would provide a reduced level of outlook.
12. I accept that to achieve adequate levels of privacy the use of privacy louvres could be secured by the imposition of a suitable planning condition. However, in this particular case, the number privacy louvres that would be required would significantly restrict the outlook of the properties, which would fail to provide adequate living conditions for future occupiers.
 13. The proposed use of high-level windows in the front elevation of both studios would provide the future occupiers with a good level of privacy. However, they would by virtue of their position at approximately 1.8 metres high, fail to provide adequate outlook for the future occupiers. Whilst these windows could be opened to provide ventilation, the proximity of the high-level window in Studio 2 to the proposed bin storage areas 2, would be likely to result in an unsatisfactory arrangement due to odour.
 14. The windows in the rear elevation, would overlook the very small area of amenity space. The proximity of these windows to the tall breezeblock wall located approximately 0.8 metres from the rear wall of the property and the presence of the timber walkway above would almost entirely enclose this space around the windows, limiting both outlook and daylight. I therefore find that these windows would not provide satisfactory daylight or outlook for future occupiers and would not provide occupiers with a meaningful view.
 15. Accordingly, I find that the proposed windows would fail to provide adequate outlook, daylight or ventilation, and when considered together, they would not provide adequate living conditions for the future occupiers.
 16. In terms of external amenity space, the submitted plans show that each unit would be provided with approximately 3m² of amenity space. Policy D6 of the LP states that where there are no higher local standards in the borough Development Plan Documents, a minimum of 5m². of private outdoor space should be provided for 1-2 person dwellings and it must achieve a minimum depth and width of 1.5m.
 17. The external amenity space falls below this minimum requirement by approximately 2m² and the depth of the outside space measures just 0.8 metres. The limited size of the outside space would limit the usable space provided for even basic activities such as sitting out. Furthermore, this space, would be enclosed on all sides by high walls and the walkaway to the upper floor flats, meaning that the outlook and daylight within this space would be severely limited. The small amount of outside space, together with the general appearance of the space and enclosed nature would further diminish the quality and usability of this space. Accordingly, the proposed development would fail to provide adequate external amenity space.
 18. I have had regard to the proximity of the appeal site to areas of outdoor open space with the local area, including Colliers Wood Recreation Ground, Wandle Park, and Wandle Meadow Nature Park. Nevertheless, this would be located approximately 300 metres away from the dwellings and would not represent a suitable alternative to the provision private amenity space. Accordingly, it is not sufficient to outweigh the harm that I have identified in relation to the provision of private amenity space at the rear of the property.

19. Consequently, I conclude that the proposed development would fail to provide adequate living conditions for future occupiers with particular regard to the quality of internal accommodation; provision of outlook and daylight; and the provision of external amenity space. It would therefore be contrary to Policies D3 and D6 of the London Plan, Policies CS9 and CS14 of the Merton Core Strategy 2011 (CS) and Policy DM D2 of the Adopted Merton Sites and Policies Plan 2014 (SPP). These policies require, amongst other things, the provision of high-quality accommodation which provides appropriate outlook, privacy, amenity, and outdoor amenity space.

Cycle Storage

20. The submitted plans indicate that there is insufficient space within the external areas to provide secure external cycle storage for both studios, therefore, cycle storage would be provided within each studio.
21. Policies D3 and T5 of the LP and Policy CS18 of the CS seek to promote active means of transport such as cycling, with development expected to provide sufficient secure, convenient, and accessible cycle storage commensurate with the proposed level of occupation.
22. I accept that these policies do not specify that cycle storage should be external, and I acknowledge that future occupiers of the studios may choose to keep a bicycle inside their property, with a resulting improvement in security. However, in this particular case, where the floorspace which would be provided just meets the minimum standard, the use of this space for cycle storage would reduce the limited internal space within the studio. Based on its limited size, the use of the rear amenity area to provide secure cycle parking would also be unacceptable as this would reduce the availability of this already small and constrained space. It has not therefore been demonstrated that the proposed development would provide suitable, secure, and accessible cycle storage.
23. My attention has been drawn to existing properties on Walpole Road, which are mostly traditional, terraced dwellings with shallow front gardens. The appellant states that these properties will store bicycles within their property. However, I have been provided with no compelling evidence that this is the case. Whilst these are terraced properties, typical of the area, they are likely to offer much larger accommodation and have good-sized rear gardens. Therefore, they are not directly comparable to the appeal site.
24. Therefore, taking into account the limited size of the proposed internal accommodation and the absence of any substantive evidence of any suitable alternative to the exterior of the property, I find that the proposed development would fail to provide suitable, secure and accessible cycle storage. As such, the proposed development would be contrary to Policies D3 and T5 of the LP and Policy CS18 of the CS, which require, amongst other things, provision of suitable secure and accessible cycle storage facilities that would promote cycling and active transport.

Other Matters

25. I have had regard to the absence of objections from neighbouring residents and that the Council raised no objection to the principle of development. I also recognise that the redevelopment of the appeal site would lead to an improvement to the appearance of the building within the surrounding area,

particularly by bringing a vacant premises back into use. The Council also found that the proposed development would not cause harm to the character and appearance of the area or to the living conditions of neighbouring occupiers. From my assessment of the proposed development and the site, I see no reason to disagree with these conclusions. However, the absence of harm on these matters is a neutral factor which neither weigh for or against the proposed development.

26. The Council states that it considers that proposal does not meet the required quantum of refuse storage, and that this should have formed an additional reason for refusal. This is a matter on which I would have sought the appellant's comments if my decision had been to allow the appeal. Nevertheless, as the appeal is dismissed I have not considered the matter further.

Planning Balance

27. My attention has been drawn to Policy CS9 of the CS which seeks to bring empty homes back into use, which the appellant claims would be partially achieved by upgrading the ground floor unit, which is basically unused into two, much needed, residential properties. They also state that should the appeal fail, that the appellant has no intention of developing 1 single dwelling in this unit and therefore the space will remain vacant or used for storage and be of no benefit to the immediate area or the wider area of Merton.
28. However, whilst I acknowledge that the proposed development would make a small contribution towards the area's housing supply, based on the scale of the proposed development this is a moderate benefit. However, it does not outweigh the harm which has been identified in respect of the provision of poor-quality accommodation.
29. I have also had regard to the location of the appeal site in relation to its proximity to public transport links including Colliers Wood Underground and a number of bus routes and having a Public Transport Accessibility Level of 5, which is rated as very good.
30. The proposed development would be in a location that is highly accessible to public transport links and would make a small contribution to housing supply in the Borough by providing two additional residential units. However, the increase in housing supply would be modest and therefore this is a benefit to which I attribute limited weight. I therefore find that in this particular case, the benefits arising from the location of the site in relation to public transport links and the modest increase in housing supply would not be sufficient to outweigh the unacceptable harm I have identified.

Conclusion

31. For the above reasons, the proposed development would not accord with the development plan when taken as a whole. There are no material considerations of sufficient weight that indicate the appeal should be determined other than in accordance with the development plan. The appeal is therefore dismissed.

K Lancaster

INSPECTOR