



Appeal Decision

Site visit made on 26 September 2023

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2023

Appeal Ref: APP/T5720/W/23/3319416

50 Faversham Road, Morden, Merton SM4 6RE

- 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 Tony Khan against the decision of the council of the London Borough of Merton.
 - The application Ref 22/P2666, dated 1 September 2022, was refused by notice dated 29 November 2022.
 - The development proposed is the conversion of single dwellinghouse into 2 x 1 bedroom self-contained flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have altered the description of development contained on the planning application form for clarity.
3. The development the subject of this appeal has already taken place, the planning application forms stating that the house was converted to 2 flats between June and September 2022.

Main Issues

4. The main issues are the effect of the development upon:
 - The supply of family housing.
 - Air quality.
 - The demand for, and availability of, on-street parking.

Reasons

Family Housing

5. In August 2021, permission was granted for the demolition of the garage of the appeal site and the erection of a 2 storey, 3 bedroom end of terrace dwelling¹. The house was constructed pursuant to this permission and is now a separate plot adjacent to the appeal site. Planning permission was granted for this just over a year before the planning application to sub-divide the appeal property was submitted, but it is unclear exactly when construction works took place. The result of that planning permission was a gain of a family sized dwelling in addition to that already present at the appeal site before it was converted.

¹ Reference 21/P0896 granted on 19 August 2021

6. The requirement of policy CS14 d(i) of Merton's LDF Core Planning Strategy 2011 (Core Strategy) is that applications for the conversion of existing family sized dwellings into 2 or more smaller units must include the re-provision of at least 1 family sized unit. In the absence of evidence demonstrating that the conversion works and construction of the adjacent house were concurrent, I cannot conclude that there has not been the loss of a family sized dwelling at the appeal site. It has not therefore been demonstrated that the construction of the adjacent house has offset the family house lost in the flat conversion as required by the development plan.
7. The policy justification for CS14 sets out that historically the delivery of new dwellings has comprised 1 and 2 bedroom units and there is an identified need for 3 bedroom units. The loss of a family sized dwelling at the appeal site would therefore contribute to an erosion of the stock of family sized housing for which there is an identified need.
8. The development is therefore contrary to policy CS14 of Merton's Core Strategy which, amongst other things, aims to retain the existing stock of family sized units in the borough. London Plan policy H2 encourages appropriate housing development and intensification on small sites and as part of this, the policy justification supports boroughs in protecting family sized units where there is sufficient flexibility to allow the building to be enlarged to meet this requirement.

Air quality neutral

9. Policy SI 1 of the London Plan 2021 seeks to improve air quality. Part B2 of this policy requires, as a minimum, that development proposals are air quality neutral. No evidence was submitted with the appeal to demonstrate that this assessment has been undertaken and as such I cannot be satisfied that the development achieves air quality neutral, or if it does not, what mitigation measures may be required. Given this degree of uncertainty, I do not consider the matter can reasonably be dealt with by planning condition. On the basis of the evidence submitted, therefore, the development is contrary to policy SI 1 of the London Plan 2021 and it has not been demonstrated that the flats are not worsening local air quality.

Parking

10. The appeal site is within a controlled parking zone (CPZ) with controlled hours Monday to Friday 1000 to 1600. It has a PTAL rating of 2. The front of the appeal site is completely paved. According to the standards set out in Merton's Vehicle Crossover Information Pack (2022) referred to by the appellant, there should be sufficient space to accommodate 2 cars. Whilst this may be the case, this needs to be considered against the development plan's approach to off street parking, alongside the need to accommodate appropriate refuse and cycle storage.
11. Policy CS20 of the Core Strategy states that permit-free development is supported in areas with good access to public transport, or PTAL 4-6. Policy T3 of Merton's Site and Policies Plan 2014 promotes permit free development for well connected areas rated PTAL 4 and above. The approach of London Plan policy T6 is that developments that are not well connected should have the minimum necessary parking, which for PTAL 2 in outer London translates as a maximum of 0.75 spaces per 1-2 bed flat. Given the maximum standards set

out in the London Plan, I consider 1 car parking space is appropriate in policy terms.

12. No substantive evidence has been provided to show whether the effect of the additional residential flat with no dedicated off street parking has made on-street parking in the area materially worse and there is no specific policy support for permit-free development in an area classified as PTAL 2. I do not therefore find that it has been demonstrated that the suggested planning obligation to remove the appeal site from those properties eligible to receive a parking permit (and any necessary changes to the traffic management orders) is necessary to make this part of the development acceptable in planning terms. As such, the suggested planning obligation would not meet the tests as set out by paragraph 57 of the Framework and by Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
13. I find therefore that the provision of a single off street car parking space would fulfil the policy requirements set out in London Plan policy T6, Merton's Core Strategy policy CS 20 and T2 and T3 of Merton's Sites and Policies Plan 2014. No further mitigation would be required to make the appeal acceptable in relation to parking. The absence of harm in this respect holds neutral weight in my consideration of the appeal. The council also refer to policy T1 of their Sites and Policies Plan 2014, but I do not find it determinative in this case as it is a general policy to encourage sustainable transport modes.

Planning balance

14. I acknowledge that the development has the benefit of providing a new dwelling in a sustainable location where services and employment can be easily accessed. There is however insufficient evidence to conclude that there has been no loss of family housing as a result of the development; neither is there evidence of the air quality neutral standard being achieved. These factors do not therefore lead me to determine the appeal otherwise than in accordance with the development plan.

Other Matters

15. I note the appellant's points regarding the validation letter from the council and the information sought. This is a matter between the parties and has no bearing on my consideration of the appeal.

Conclusion

16. I have found that on the basis of the evidence submitted, the appeal development has resulted in the loss of a family sized dwelling. It has also not been demonstrated that the development has achieved the air quality neutral standard. As such it is contrary to the development plan read as a whole. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

L Francis

INSPECTOR