



Appeal Decision

Site visit made on 31 October 2023

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd November 2023

Appeal Ref: APP/T5720/D/23/3329911

7 Watery Lane, London SW20 9AA

- 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 Moein Tavakkoli against the decision of the London Borough of Merton.
 - The application Ref 23/P0582, dated 10 May 2023, was refused by notice dated 11 July 2023.
 - The development proposed is the removal of the boundary wall, widening of gate, replacement hard surfacing and new housing for electric meter box -gas meter
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have amended the description above to refer to a wall rather than a fence, as referred to on the application form, as the existing boundary is a brick wall and is acknowledged as incorrect in the appellant's appeal statement¹.
3. As part of the appeal the appellant has provided two additional plans - existing street view plan reference 1050 rev B and a revised proposed street view plan reference 1060 rev B. The Council have not had an opportunity to comment on these plans and they have not been subject to consultation.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area including the John Innes (Merton Park) Conservation Area.

Reasons

5. No.7 Watery Lane, and its neighbour, No.5, are 1960s detached dwellings of the same design and are distinctively different to the older properties along Watery Lane. They are part of the John Innes Conservation Area (JICA) but identified in the Character Appraisal John Innes (Merton Park) Conservation Area as making a negative contribution to the Conservation Area.
6. Watery Lane has a semi-rural and verdant character. There is a sense of enclosure with well-planted front gardens adjoining the single-width lane which contributes to the significance of the JICA.

¹ Appeal Statement paragraph 5.2

7. Front boundary treatments along Watery Lane vary and whilst the older properties generally have low walls with hedges behind, the northern end around the appeal site is more structural. The neighbouring property (No.5) has white post fencing and opposite, albeit outside of the JICA, is close-boarded fencing which forms a boundary to the Nelson Health Centre.
8. At the time of my site visit, work was being undertaken on the appeal property and there were no gates to the entrance drive. The rest of the front boundary is formed of a high brick wall with some vegetation above. The appellant explains that part of the wall, which extended into the site to setback gates, had been damaged and had to be removed. Nonetheless, the proposal would increase the opening further, to more than half the width of the frontage. Whilst the positioning of the gates to the front edge would align with others in the vicinity, the extent of the opening would be extensive. This would create a significant and prominent break which would be out of keeping the prevailing arrangements along Watery Lane.
9. Details of the gates did not form part of the application and the revised street scene plan provided by the appellant have gates with a lower height than those shown on the application plans. Nevertheless, irrespective of the design the triple-width gates would be an incongruous feature and would not overcome the harm to the visual amenity of the area derived from the scale of the entrance and the open, hard-surfaced frontage. The appellant has drawn my attention to the gates at No.15. The background to this development is not before me, and whilst they are wide, unlike the appeal proposal they do not extend beyond the width of the crossover and are bound by landscaping. I therefore do not find it is directly comparable or is a prevalent feature of the area to justify the proposed development.
10. Having regard to the National Planning Policy Framework (the Framework), the harm to the JICA would be less than substantial and accordingly that harm should be weighed against the public benefits of the proposal. The appellant suggests that the proposal would aid highway safety. Whilst the development may facilitate easier egress there is no evidence to indicate that the existing arrangements are not usable or are deficient in terms of visibility. Additionally, Watery Lane is narrow and part of a pedestrian and cycle area where vehicle movements are restricted. Measures supporting vehicular movements, particularly by larger vehicles, would conflict with that initiative.
11. As required by the Framework (paragraph 199) great weight should be given to a heritage asset's conservation, irrespective of the level of harm. In the absence of any public benefits to outweigh the harm identified above, I conclude that the development would fail to preserve or enhance the character or appearance of the conservation area.
12. Therefore, for the reasons set out the proposed development would be contrary to Policy DM D2, Policy DM D3 and Policy DM D4 of the Merton Sites and Policies Plan and Policies Maps; Policy CS14 of the Merton Core Strategy; and Policies D1 and D4 of the London Plan (2021). Together these require proposals for development to be of high-quality design, to positively respond to local distinctiveness, and to conserve and enhance Merton's heritage assets and wider historic environment.

Other Matters

13. The Council and third parties have also raised concerns that the hard surfacing would potentially increase flooding. Whilst there is a lack of clarity in the application documents regarding drainage, the appellant as part of the appeal has indicated that the hardstanding would be of a permeable material. The Council advise that the site is not within a Flood Risk Area and as the plans indicate the total area of hardstanding to the frontage is to remain the same, in my view, this matter could be satisfied through additional details.
14. However, having found against the proposal on the main issue I have not given further consideration to the requirements of any conditions.

Conclusion

15. For the reasons set out, and having regard to all other matters raised, I dismiss the appeal.

G Ellis

INSPECTOR