



# Appeal Decision

Site visit made on 2 July 2024

**by T Law BSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 September 2024**

**Appeal Ref: APP/T5720/W/23/3333785**

**247 Northborough Road, Streatham, London, SW16 4TR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by FPP Construction Limited against the decision of the Council of the London Borough of Merton.
- The application Ref is 21/P3898.
- The development proposed is described as "demolition and change of use of detached storage building to C3 residential to provide 2 x two bedroom flats and a one bedroom flat together with bike and bin storage."

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area and host building; and the effect of the proposed development on nearby and future residents.

## Reasons

### *Character and Appearance*

3. The appeal site is an end of terraced building. The area has a pleasant consistency which is found in the strength of its urban grain, itself made up of largely two and three storeys closely related mixed use and residential buildings in a single tier layout facing the back edge of the pavement. Plots are generally narrow with smaller outbuildings to the rear of frontage development. The appeal site contains high density built form with a limited amount of open space.
4. The proposed development would introduce a two-storey extension, in the back land area between the terrace on Northborough Road and the rear gardens of properties on Beckway Road and Lyndhurst Avenue, which comprise garden areas a smaller single storey buildings. This would be in marked contrast with the existing pattern of development and introduce an uncharacteristic taller development.
5. The extensions currently covering the appeal site's rear are single storey and appear subservient to the host building. The proposed development would introduce a two-storey extension which would be taller and thus more noticeable, particularly when travelling north along Beckway Road in the access to the rear of Northborough Road.

6. The appellant has drawn my attention to nearby developments which they consider to be similar. Whilst I have not been provided with full details these appear to be adjacent to the highway and addressing a street frontage, which is not directly comparable to the development before me. In any event, I have determined this appeal on its own merits.
7. The proposal would therefore harm the character and appearance of the area, jarring with its consistency. Accordingly, I find conflict with Policy CS14 of the Merton Core Strategy (2011) (CS), Policy DMD2 of the Merton Site and Policies Plan (2014) and Policy D3 of the London Plan (2021) (SPP). Together these seek, amongst other things, to ensure that development respect, reinforce and enhance the local character of the area. The proposal would also conflict with paragraph 135 of the National Planning Policy Framework (Framework) which seeks good design sympathetic to local character.

#### *Nearby Residents*

8. To the west of the appeal site lies a courtyard associated with No 249 Northborough Road. During my site visit I saw that this area was being used as a residential garden.
9. The proposed development would be constructed up to the boundary wall with No 249, which is currently a blank wall. The proposed development would introduce a first floor and a window and balcony that would directly look over the garden area of No 249. The window and balcony would serve the kitchen/living/dining area of the first floor flat and would offer the sustained views over the garden of No 249. Whilst privacy screens would be provided to the sides of the balcony a 1.1 metre rail would run along its front, still allowing views over and into the adjoining garden.
10. Given the minimal distance between the window and balcony and its elevated position, the proposed development would have a harmful impact on the useability of the garden of No 249. Whilst the appellant has queried the legal use of the building, it was used as a residential garden during my site visit.
11. The proposed development would therefore have a harmful impact on the living conditions of neighbouring occupiers. Conflict would arise with SPP Policy DMD2, LP Policy D3 and the guidance contained within the London Housing Design Standards (2023) (DS). Together these seek, amongst other things, to ensure that development provide quality living conditions to both proposed and adjoining buildings and gardens. The proposal would also be contrary to paragraph 135 of the Framework that seeks high standards of amenity for existing and future users.

#### *Future Residents*

12. The proposed development would have two flats to the ground floor and a flat on the first floor. The Council's concerns relate to the two ground floor flats. The living/kitchen/dining area, the bedroom and bathroom of one flat would have a glazed door and windows facing the outdoor amenity space. The other ground floor flat would have a glazed door to the living/kitchen/dining area and a window to the bedroom facing the outdoor amenity area.
13. The outdoors areas are bound on three sides by tall walls; however, the glazed doors would be large and provide natural light into the living/kitchen/dining

area. The bedroom windows would be smaller but light would reach the rooms through the windows. This would ensure that the habitable rooms in the ground floor flats would be sufficiently naturally lit. Whilst there would be limited outlook, such would be provided via what would be two large doors and windows facing the rear of the host building. This would be sufficient.

14. The proposed development would therefore have acceptable effect upon the living conditions of future occupiers. This would comply with SPP Policy DMD2, LP Policy D3 and the guidance contained within the DS. Together these seek, amongst other things, to ensure that development provide quality living conditions to both proposed and adjoining buildings and gardens. The proposal would also comply with paragraph 135 of the Framework that seeks high standards of amenity for existing and future users.

### **Conclusion**

15. For the reasons given above the appeal should be dismissed.

*T Law*

INSPECTOR