



Appeal Decision

Site visit made on 24 June 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 OCTOBER 2024

Appeal Ref: APP/T5720/W/23/3332933

101 Christchurch Road, Colliers Wood, Merton, London SW19 2FE

- 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 Dr Gossain of G & O Securities Ltd against the decision of the Council of the London Borough of Merton.
 - The application Ref is 23/P0657.
 - The development proposed is the construction of two additional storeys to provide six additional flats on existing detached block of flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development was described by the applicant as a "construction of two additional storeys of new dwellinghouses on existing detached block of flats". This was changed by the Council to a "construction of two additional storeys to provide six additional flats on existing detached block of flats". As the Council's description more accurately describes the development, I have determined the appeal on the basis of the amended description.
3. The appellant has submitted a Planning for Good Daylight and Sunlight report, by Jessop Associates, dated August 2023. The Council and other interested parties have had an opportunity to make representations in respect of this new information. Accordingly, given that the information would not result in a change to the proposal, accepting the report would not prejudice the interests of the Council and interested parties.
4. During the appeal the appellant also submitted further information in relation to the impact of the proposal on a culvert on site. The Council and the Environment Agency have had the opportunity to comment on these submissions and on this basis the Environment Agency have removed their objection to the proposal. The Council have also confirmed that they no longer wish to defend the third reason for refusal. I return to this matter below.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and

- the effect of the proposed development on the living conditions of occupants of neighbouring properties, with regard to outlook, sunlight and daylight, and privacy.

Reasons

Character and appearance

6. The appeal site is located between Runnymede and Liberty Avenue and fronts Christchurch Road, a wide and busy thoroughfare. While buildings in Runnymede and Liberty Avenue typically comprise two-storey dwellings, taller buildings are present, including a substantial building forming Mizen Heights.
7. The existing building at the site is larger than the neighbouring development at Runnymede and Liberty Avenue. However, its angular form and limited height reduces its prominence within the area and respects the scale of development adjoining the site. In addition, the building's staggered scale relates well with the lower height of development at Liberty Avenue. Development in the area is varied, in terms of scale and design.
8. The proposal is for two additional storeys to the building to provide a further six flats. The raised height of the building would increase its prominence within the area. Although the enlarged building would relate well with the scale of buildings at Mizen Heights, it would be significantly taller than the adjacent two-storey dwellings. The gentle stepped rise in height of the existing building would be lost and the substantial difference in height would jar with, and dominate, the lower buildings at Liberty Avenue and Runnymede. Consequently, the considerable height of the building would be discordant with the adjacent development.
9. The proposal would retain the form of the existing building and would replicate the elevational finish of the upper floors. Nonetheless, the increase in height would add significant bulk to the building. The upwards extension would fail to complement and would be harmfully out-of-scale with, the surrounding development on this side of Christchurch Road.
10. I conclude that the proposal would harm the character and appearance of the area. The development therefore conflicts with Policy CS14 of the Merton Core Planning Strategy 2011 (CS), Policies DM D1, DM D2 and DM D3 of the Merton Sites and Policies Plan 2014 (MSPP) and Policy D3 of the London Plan 2021 (LonP), which collectively require proposals to ensure a high quality design that respects the bulk and proportions of the original building and relates positively and appropriately to the scale, height and massing of surrounding buildings.

Living conditions

11. The appeal site shares a common boundary with residential properties at Runnymede and Liberty Avenue. The existing building includes nine flats across three storeys. The additional storeys would replicate the layout of the existing second floor, including the window and balcony positioning.
12. The additional storeys would be set in from the boundary with properties in Liberty Avenue. Although the height of the building would be increased, the proposal would not result in the enlargement of the building closer to the shared boundary. Moreover, given the orientation of properties at Liberty

Avenue, the enlarged building would not have a harmfully overbearing effect on the occupants of properties in Liberty Avenue.

13. The part of the building facing the rear of properties at Runnymede is narrow and set in from the boundary. The additional storeys would make the building more visible from the rear of properties at Runnymede. However, due to the separation and the narrow width of this part of the building, the proposal would not result in a significant loss of outlook for occupants of those. Nor would it be likely to give rise to overshadowing to these dwellings. Consequently, there would not be a demonstrable loss of sunlight and daylight for occupants of the neighbouring properties at Runnymede.
14. The elevation facing Runnymede would include additional windows and balconies in a similar layout to the existing building. The additional windows and balconies face directly into the properties at Runnymede, this would not result in a further loss of privacy over and above the existing level due to the height at which they would be positioned.
15. The proposal would include development above the existing top floor balconies. The amount of natural light reaching the balconies and the rooms within the associated flats would be reduced. Nonetheless, the orientation of the balconies and the presence of other windows would ensure that sufficient natural light would reach the rooms and the existing balconies. In particular, I noted on site that the balcony serving the bedroom in Flat 9 is enclosed by a privacy screen and would be enclosed above by the proposal. While this would result in a reduction in the amount of light reaching both the balcony and the bedroom, an existing window would continue to provide another source of natural light. Furthermore, the flat is also served by a further balcony accessed from the living room. Accordingly, the proposal would not result in a demonstrable loss of natural light for existing occupants of the site.
16. I conclude that the proposal would not harm the living conditions of occupants of neighbouring properties. The proposal therefore accords with Policy CS14 of the CS, Policy DM D2 of the MSPP and Policy D3 of the LonP, which collectively seek to deliver appropriate outlook, privacy and amenity, ensure provision of appropriate levels of sunlight and daylight, quality of living conditions and privacy to both proposed and adjoining buildings and gardens and require that proposals protect existing development from visual intrusion so that the living conditions of existing and future occupiers are not unduly diminished.

Other Matters

17. The third reason for refusal reflects the Council's concern that the additional loading from the scheme could impact upon a culvert on site. During the appeal the Environment Agency confirmed, in response to further information from the appellant, that they were satisfied that the scheme would not have an adverse impact in this regard. The Council have since confirmed that they no longer wish to defend this reason for refusal. Having reviewed the submissions made I am also satisfied that loading from the development would not cause damage to the culvert and accordingly, and so would not conflict with policy SI 12 of the LonP. This matter does not therefore add to my concerns.
18. The proposal would make a positive contribution to housing supply with associated social and economic benefits during the period of construction and once the dwellings are occupied. Nevertheless, the contribution of six additional

dwellings to meeting housing need in the Borough through a more efficient use of land in an urban area and the associated benefits are commensurate with the scale of the development proposed and therefore I attribute them only limited weight.

Conclusion

19. The proposal conflicts with the development plan. Material considerations do not indicate that a decision should be made otherwise than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR