



Appeal Decision

Site visit made on 26 September 2024

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2024

Appeal Ref: APP/T5720/W/23/3327104

225 Streatham Road, London SW16 6NZ

- 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 SW16 Motors Ltd Harrow Mr S Agha against the decision of the Council of the London Borough of Merton.
 - The application Ref is 21/P3808.
 - The development proposed is Demolition of existing single-storey buildings on site (comprising retail, a workshop, and a storage yard with associated office) all in a state of disrepair and structurally unsafe and erection of a steel frame (in kit form, classed as temporary) single storey (5metres high) structure for sale of tyres and motor car servicing, and the change of use from current to Planning Class B2 with a hand car wash area and small scale area for selling of Cars.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I understand from the submission before me that unauthorised works were occurring at the site with some structures having been erected without the benefit of planning permission. Therefore, in a bid to regularise the development and to develop the site, the appellant submitted a planning application to the Council which is the subject of this appeal.
3. I note the appeal forms varies from that within the banner heading as it describes the address as 225-231 Streatham Road. I do not consider any parties have been prejudiced by my use of the address taken from the appellant's application form to the Council.

Main Issues

4. The main issues with regards to this proposal are:
 - The effect upon the character and appearance of the local area;
 - Whether or not it would result in a highway safety concern; and
 - Whether the proposal would deliver biodiversity net gain.

Reasons

Character and appearance

5. The appeal site occupies a wide corner between Streatham Road and The Bungalows at around 955square metres in size. It is located within an area that

is both commercial and residential in nature made up of various architectural styles and scales with limited aesthetic cohesion. It is broadly triangular in shape and backs onto a raised railway embankment and sides onto residential The Bungalows. It contains a series of garages/workshops and a number of other structures present, set on concrete hardstanding. It is enclosed by hoardings and metal palisade fencing with double vehicular gates onto the junction with The Bungalows leading onto Streatham Road, a main arterial route A216. The dropped curb from Streatham Road also provides vehicular access onto the site via the existing large garage building. From reading the evidence before me, the site has had a number of previous employment uses including workshop, storage and motor repairs and is described by the council as a scattered employment site protected by local policy.

6. The site would be partially cleared of a large single storey garage building to accommodate the proposal. A modern three bay steel framed building is visible on site towards the southern side. I decipher from the submitted plans that this building would be retained and used as intended for tyre sales and fitting and motor repairs garage, with ancillary office building adjacent. As the site would operate as multiple businesses this would also include a car hand wash business and car sales with vehicular waiting and pick-up areas for customers to these operations. The existing vehicular access from Streatham Road would serve the car washing facility only. The other operations within the site would be accessed from the existing vehicular access leading to The Bungalows.
7. Due to the commercial natures of the businesses proposed, the noise survey submitted with the appeal recommends the installation of a three-meter high acoustic perimeter fence as necessary to mitigate the effects of noise arising from site operations. I have no reason to disagree with the findings of this report that is also satisfactory to Council Environmental Health Officers as a means to control noise emissions from the site.
8. There is limited information before me however regarding its appearance. From the evidence before me, it would be required to be solid in character and would be a consistent and impermeable feature positioned around the full perimeter of the site and close to the back edge with the public footpath, with no relief from its solid characteristics. Even though the existing palisade fence has an industrial appearance to it, there is some visual permeability through the site as a result of the vertical pales of the fence that provides some visual relief to the site from a public vantage. However, the dense nature and height and area that would be approximately 59 metres of frontage the proposed fence would encompass, would appear as a very stark and visually discordant feature within the street scene. This type of enclosure is not a commonality within the locality.
9. I appreciate the appellant entertains the idea of community arts projects as a form of visual relief here. There is no substantial information before me to comment upon however.
10. Apart from the building to be used for tyre sales and mechanics garage with office, the remainder of the site would be laid to hardstanding. As well as the severe visual characteristics of the proposed boundary enclosure, the large swathes of hardstanding within the site with limited details of soft landscaping to visually mitigate the effects would appear more akin to that of the appearance of a bland car park.

11. Additional structures proposed on site, apart from the mechanics garage and tyre sales/fitting building, would also be located within the site by way of covered roofs over the car wash and dedicated vehicular pick up area. There is limited information on the appearance of these structures that I understand from the submission would be of an open portal frame with roof cover over. Even if they would not be of a permanent nature, without precise information on these structures, I cannot be certain they would be visually acceptable within this location. This is especially so given they would be located to the edge of the site along the boundary with Streatham Road and thus could be visually exposed from beyond the site.
12. The site occupies a large site on a prominent corner. Even if the structures would be considered as temporary in nature, and the overall use could be delivered on a temporary basis, the proposal offers inadequate visual mitigation to soften the effects of the proposed development and would not safeguard the character and appearance of the local area.
13. I understand from the submission before me that the site has a long history of employment uses that the Council confirms has become lawful due to the passage of time. Nevertheless, as this is a new permission for development at the site it is subject to the requirements of the Council's up to date local plan.
14. Therefore, to conclude on this main issue, it would not support the character and design consideration aims of policy DM D2 of the Merton Sites and Policies Plan, or the broad objectives to achieve development that fosters form, character, and design within London Plan Policies D1, D3 and D4 and Policy G7 in so far as it encourages development to support new tree planting. Nor would it comply with the National Planning Policy Framework that also aims to secure good design. However, I find no direct relevance to policy D2 of the London Plan as this relates to infrastructure, or Policy D5 as this is an inclusive designed policy, or D8 as this relates to public realm.

Highway safety

15. Streatham Road is a main arterial route and also a bus route connecting this part of Merton to the outer districts of London and providing access towards the Borough of Lambeth. The Bungalows is a quiet cul-du-sac of houses with one access road in and out past the appeal site.
16. As a combination of proposed operations here, there would be many vehicular movements across the site including those of HGV wagons, with the internal layout and access arrangements designed to reduce vehicular conflict on site between the activities operating here. From the evidence submitted of the internal swept path, I am satisfied this can be safely managed on site.
17. However, vehicular movements off site has been complicated by vehicles approaching on the wrong side of the public highway. As the proposed businesses here as a whole would generate a significant number of vehicular movements, I cannot be certain that no conflict would arise along the public highway as a consequence. This would be especially significant as Streatham Road is a well trafficked main road. Given the intensity of the use of the site that would involve private cars and commercial vehicles, including HGV wagons, I am not satisfied that highway safety would be appropriately safeguarded.

18. Therefore to conclude on this main issue, it has not been adequately demonstrated that the proposal would not conflict with highway and pedestrian safety, and therefore does not accord with the objectives of Policies CS18 and CS20 of the Merton's Adopted Core Planning Strategy to ensure development protects pedestrian and highway safety, with safe service and delivery operations. It would also conflict with policies DM D2 to protect highway safety, and policies DM T2, DM T3, DM T5 that amongst their objectives aims to manage servicing and safeguard the impact of development on the highway network of the Merton's Adopted Sites and Policies Plan. It would also not accord with the provisions of the London Plan policy T4 and T7 that aims for development not to increase road danger with safe deliveries and servicing to the site. However, I find no direct relevance to the development and Policy DM E1 of Merton's Adopted Sites and Policies Plan as this relates more accurately to the loss of scattered employment sites.

Biodiversity

19. The site is located within an area identified as a green corridor by the Council and locally important Site of Importance for Nature Conservation (SICN). As a network of locally valued wildlife sites or presence of notable habitats, these areas make a vital and valuable contribution to delivering net gains for biodiversity within the Borough. There is a national recognised decline in biodiversity that should be protected and enhanced. This site is located within an SICN whereby there is an expectation for the appellant to mitigate the adverse effects of development.
20. The National Planning Policy Framework requires that decisions should contribute to and enhance the local environment in a number of ways, including provision of net gain in biodiversity. Therefore, biodiversity net gain needs to be demonstrated for the development. The appellant expresses their commitment to incorporate greening into the site using, amongst other things, green roofs, and rainwater harvesting measures through water butts.
21. However, whilst I acknowledge their desire to do so, the precise details before me are limited. Based on the information before me it has not been demonstrated that the proposal would provide the necessary net gain. As such I am unable to conclude that the proposed development would provide a net gain in biodiversity value. Nor do I do not think it is appropriate for the matter to be dealt with through a planning condition.
22. To that end, this would conflict with the broad aims of the National Planning Policy Framework that seeks to conserve and enhance the natural environment and policy GG2 of The London Plan that amongst its aims, seeks to secure net biodiversity gains. However, I find no direct relevance to policy D8 of the London Plan as this relates to public realm.

Other Matters

23. There may be occurrences of anti-social behaviour at the site and it has been used for unauthorised dumping of items and in an overall poor condition. However, there are various means to secure the site that can be explored by the appellant and that is not to say that this is proposal is the only means to redevelop the site.

24. I am aware of the support to the proposal. However, this does not lead me to reach a favourable conclusion on the matter.
25. I have read the appellant's frustration towards the Council and the confusion that has occurred. I also accept they will be disappointed with the outcome of this appeal. However, any complaints regarding the Council and their service should be directed to them in the first instance and is not within my remit to comment upon.

Conclusion

26. The proposal would conflict with the development plan as a whole and there are no other material considerations which lead me to determine the appeal otherwise than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

Alison Scott

INSPECTOR

