



---

# Appeal Decision

Site visit made on 21 October 2024

**by R Lawrence BSc (Hons), PGDip (TP), MRTPI**

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

**Decision date: 09 January 2025**

---

**Appeal Ref: APP/T5720/W/24/3342734**

**7 Elm Grove, Wimbledon, Merton, London SW19 4HE**

- 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 Mr Javier Sánchez Hernandez against the decision of the Council of the London Borough of Merton.
  - The application Ref is 23/P3587.
  - The development proposed is described as "Four new flats in an additional floor to the top of the existing building".
- 

## Decision

1. The appeal is allowed and planning permission is granted for four new flats in an additional floor to the top of the existing building at 7 Elm Grove, Wimbledon, Merton, London SW19 4HE in accordance with the terms of the application, Ref 23/P3587, subject to the conditions in the attached schedule.

## Preliminary Matters

2. During the course of this appeal, the Council adopted the Merton Local Plan 2024-2037/38 (LP). This replaced the Sites and Policies Plan 2014 and Core Planning Strategy 2011. In light of this, the main parties have been given the opportunity to provide comments on the new LP in relation to their cases. I have had regard to the comments received and have considered the proposal against the relevant policies in the LP.
3. A revised National Planning Policy Framework was published in December 2024. Those parts pertinent to the main issues in this appeal have not been significantly amended. I have therefore had regard to the revised Framework (the Framework) within my decision.
4. A completed unilateral undertaking (UU) made under s106 of the Town and Country Planning Act 1990 was submitted in support of the appeal. This contains obligations to restrict the entitlement of future occupiers of the development from securing resident's parking permits.

## Main Issues

5. The main issues are the effect of the development on:
  - the character and appearance of the area, and
  - on-street parking provision.

## Reasons

### *Character and appearance*

6. The appeal site comprises a substantial mixed use building set within a group of flatted buildings of a similar scale. This group of buildings are located at the end of Elm Grove which has a dense urban setting. The group are larger in terms of their scale and height than development further along Elm Grove, which is typically residential and includes a mixture of traditional housing types, as well as modern flatted blocks. The group of buildings, due to their scale, frame the end of Elm Grove, visually separating it from the railway line and development beyond.
7. The proposed additional storey would align with the height of adjacent buildings. Whilst other adjacent buildings have a greater setback from the frontage, and the height of those buildings are stepped, I nonetheless consider that the proposed addition would achieve a coherent scale which would enhance the character at the end of Elm Grove. The additional sense of enclosure would be minimal, set against the scale of the existing buildings, and it would continue to frame and define the end of Elm Grove. The proposal would avoid a top heavy or unduly bulky appearance.
8. The proposed design, including in terms of the materials and the pattern of fenestration, would reflect those in the existing building, and would complement the appearance of neighbouring buildings. As such, I find that the overall character and appearance would be similar to that of the immediate surroundings. Overall, the scale and appearance of the proposal would be appropriate for its location.
9. Given the above, I find that the proposal would be acceptable in terms of its effect on the character and appearance of the area, such to accord with Policies D12.3 and D12.4 of the LP which insofar as relevant, seek to ensure that development achieves a high quality design which responds positively to the site's context and character and that extensions respect the proportions and form of the original building.

### *On street parking*

10. The appeal site lies within a Controlled Parking Zone (CPZ), within which on-street car parking is restricted to permit parking. There are yellow lines preventing parking outside of the parking spaces. There are areas of hardstanding adjacent to the appeal building, however, no off street car parking is proposed.
11. The additional floor and creation of four additional dwellings, would likely result in additional demand for on-street parking in the CPZ, particularly given the lack of off-street parking. The CPZ has limited parking provision for residents, within close proximity of the appeal site. At the time of my site visit which took place late morning, the availability of parking spaces in the vicinity of the appeal site were very limited. Although I accept this reflects one point in time and may not be reflective of other days and times, representations from interested parties also indicate a high level of parking stress in the area.
12. The UU contains an obligation to ensure that occupiers of the new dwellings, apart from disabled people, are ineligible to obtain residents parking permits should they apply to the Council. This directly addresses the requirements of

Policy T16.4 (Parking and Low Emissions Vehicles), criterion 3, which requires all new developments within a CPZ to be permit free.

13. The submitted UU is signed and dated, and the Council has raised no objection to its content. I am satisfied that the UU achieves its intended purpose and also meets the tests for planning obligations outlined in paragraph 58 of the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
14. In light of the above, and the signed UU, the proposal would not result in a significant increase in demand for on-street car parking, and therefore would not lead to additional parking stress in the area. On this basis, the proposal would comply with Policy T16.4 of the LP.

### **Other Matters**

15. Interested parties have raised additional concerns with the proposal that sit outside of the main issues, including in relation to congestion, car parking, environmental impacts and the lack of green space and amenities. Many of these matters have been subject to consultation with independent professionals, none of whom has raised objection (subject to conditions/a planning obligation) and I have no substantive evidence before me to justify finding differently.
16. As an upward extension, the proposal would not affect the amount of green space. The distance and in turn the relationship between the existing building and neighbouring buildings would be unaltered. The increase in height would have limited effect on the living conditions of neighbouring occupiers, given the siting of habitable room windows. These factors do not lead me to find differently to the Council, namely that the proposal would be acceptable in terms of the effect on the amenities of neighbouring occupiers.
17. The management of the existing properties and unauthorised developments outside of the appeal site are not matters which are relevant, or that can be controlled, through this appeal. Nonetheless, the recommended conditions include controls over waste and recycling, cycle storage and management of the construction process. These controls would avoid the exacerbation of existing issues as a result of the appeal scheme.

### **Conditions**

18. The Council has suggested a number of conditions in the event of my allowing the appeal, I have considered these in accordance with the Planning Practice Guidance and the Framework. I have edited some of the suggested conditions for clarity and enforceability.
19. Time limit and plan numbers conditions are required in the interest of certainty that the development is carried out in accordance with the approved plans.
20. A Construction Management Plan is necessary in the interests of highway safety and the living conditions of neighbouring occupiers. I have simplified the requirements for the management plan from those suggested, such to reflect the nature of the development proposed and the absence of any significant demolition within the proposal. Submission is required prior to commencement because it relates to the construction process. The imposition of this has been agreed by the appellant.

21. A condition requiring additional details in respect of the provision and storage of refuse and recycling facilities is necessary in the interests of character and appearance and to ensure that those facilities can be effectively stored at the site. I have also included a condition requiring the implementation of the proposed bicycle parking facilities, which is necessary to promote travel by sustainable modes.
22. In the interests of minimising water usage, a condition is necessary to restrict water usage. A condition requiring the facing materials to match those in the existing building is required in the interest of the character and appearance of the area.
23. A condition limiting demolition and construction hours is necessary to protect the living conditions of neighbouring occupiers outside of normal working hours on weekdays, at weekends, and on Bank and Public Holidays, when residents are most likely to be at home. Allowing works to be undertaken on Saturday mornings would avoid unreasonably elongating the construction period.
24. The Council has also recommended a condition to require the side window to flat 15 to be obscurely glazed and fixed shut, however, I find that such a condition would be both unreasonable and unnecessary. The relevant window is the sole window serving a habitable room, and as such would unduly restrict outlook to future occupants. The window would allow for some inter visibility with neighbouring buildings, however, such views would be at an oblique angle and/or well separated.

### **Conclusion**

25. The proposed development accords with the development plan and material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, the appeal is allowed.

*R. Lawrence*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 5380-BAL-DD-ZZ-DR-A-07-0020 (Proposed Site and Location Plan), 5380-BAL-DD-ZZ-DR-A-07-0021 (Proposed Fourth Floor and Roof Terrace Plan), 5380-BAL-DD-ZZ-DR-A-07-0022 (Proposed Elevations and Section), 5380-BAL-DD-ZZ-DR-A-07-0023 (Proposed Context Elevation) and 5380-BAL-DD-ZZ-DR-A-07-0026 (Proposed 3D Street View).
- 3) No development shall take place, including any works of demolition, until a Construction Management Plan/Report has been submitted to, and approved in writing by the Local Planning Authority. The Plan/Report shall provide for:
  - i) the parking of vehicles of site operatives and visitors and construction vehicles;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) measures to control the emission of noise, dust and dirt during construction;
  - v) a scheme for recycling/disposing of waste resulting from demolition and construction works;

The approved Management Plan/Report shall be adhered to throughout the construction period for the development.

- 4) The development hereby permitted shall not be first occupied until details of refuse and recycling storage facilities have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. The facilities shall be retained and maintained thereafter in accordance with the approved details.
- 5) The development hereby permitted shall not be first occupied until details of secure cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. The facilities shall be retained for use and maintained thereafter in accordance with the approved details.
- 6) The development hereby permitted shall not be first occupied until evidence has been submitted to and approved in writing by the Local Planning Authority confirming the Building Regulations optional requirement of a water consumption rate of no more than 105 litres per person per day has been complied with.
- 7) The external facing materials of the development hereby permitted shall match those used in the existing building including materials, style, colour, texture and, in the case of brickwork, bonding, coursing and pointing.
- 8) Demolition or construction works or ancillary works such as deliveries shall take place only between 08:00 and 18:00 Mondays – Fridays, and

between 08:00 and 13:00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

**\*\*\*End of Schedule\*\*\***