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## Appeal Decision

Site visit made on 6 June 2025

by **S Poole BA(Hons) DipArch MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

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**Appeal Ref: APP/T5720/W/25/3361670**

**Storage Building Rear of 111 Kingston Road, Wimbledon, London SW19 1LT**

- 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 M O'Neil against the decision of the Council of the London Borough of Merton.
  - The application Ref is 24/P1712.
  - The development proposed is the conversion of the building from general storage into 2 dwellings together with the erection of an extension at 1st floor level.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Merton Local Plan 2024-2038 (MLP) was adopted by the Council on 20 November 2024. This replaced the Merton Core Planning Strategy 2011 and Merton Sites and Policies Plan 2014, which are cited in the reasons for refusal. I am required to consider this appeal against the MLP and therefore the views of both main parties on this have been sought. I have had regard to the comments received and have considered the proposal against the relevant policies in the MLP.
3. The appeal is accompanied by revised drawings<sup>1</sup> and a Daylight Report<sup>2</sup>. The amendments to the scheme comprise the formation of a cycle store and the inclusion of 4 rooflights. As these changes are minor and have no implications beyond the site I am satisfied that considering the appeal on the basis of the amended drawings would not prejudice the interests of interested parties.
4. The Daylight Report however includes an assessment of the effects of the appeal proposal on neighbouring properties. As neighbouring residents have not been able to comment on this material taking it into account would be prejudicial and contrary to the Wheatcroft Principles<sup>3</sup>.

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<sup>1</sup> 24-596-PR01A, 24-596-PR02A, 24-596-PR04A

<sup>2</sup> The Daylight Lab, Ref:2506/DSA

<sup>3</sup> Bernard Wheatcroft Ltd v SSE (1982)

## Main Issues

5. The main issues are:

- (i) the effect of the proposal on the character and appearance of the surrounding area,
- (ii) the effect of the proposal on the living conditions of the occupiers of the neighbouring properties in Palmerston Road, with particular regard to privacy, natural light and outlook,
- (iii) whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to access to natural light and external space provision,
- (iv) whether the proposal would provide adequate cycle storage, and.
- (v) the effect of the proposal on parking stress in the area.

## Reasons

### *Character and Appearance*

- 6. The appeal site comprises land situated to the rear of 111 and 113 Kingston Road and a terrace of houses facing Palmerston Road. It includes a narrow single-storey storage building with a shallow pitched roof. This is accessed via a lane from Palmerston Road. To the rear there is the Salvation Army building and to the north and west are residential gardens. A part 3 and part 4 storey brick and zinc clad building is at an advanced stage of construction next to the junction between Kingston Road and Palmerston Road and the access road into the appeal site.
- 7. The proposal would comprise the erection of a first floor above the existing storage building to enable the formation of a pair of 1-bedroom flats, one on each floor. The roof addition would be clad in zinc and would feature obscured glazing on the main frontage together with a pair of inset directional windows. The frontage of the ground floor would be re-modelled and rendered.
- 8. Whilst the proposal would significantly increase the height and bulk of the appeal building it would remain a secondary element in the context of the more imposing surrounding buildings and due to its backland location would have a limited impact on the character and appearance of the wider area. In terms of its design and materials it would be compatible with recent development nearby.
- 9. For these reasons I am satisfied that the proposal would not have an unacceptable effect on the character and appearance of the area. It therefore accords with MLP Policies D12.3 and D12.4 which require high quality design that responds positively to a site's context. It also accords with Policy D3 of the London Plan (2021) (LP) which advocates a design-led approach that optimises the capacity of sites.

### *Living Conditions – neighbouring property occupiers*

- 10. The main frontage of the proposal would be a short distance from the gardens to the rear of the Palmerston Road properties and would include 4 large windows facing these gardens. Although these windows would comprise obscured glazing, occupiers of the neighbouring houses would experience a high perceived level of

overlooking and I am conscious that securing the long term retention of the obscured glazing may be problematic thereby leading to an actual loss of privacy.

11. Due to its close proximity to the houses in Palmerston Road the additional storey would result in reduced outlook from, and natural light to, these houses plus an increase in overshadowing of the gardens. There is no evidence before me to confirm that the impacts in these respects would be within acceptable tolerances.
12. For these reasons I conclude that the proposal would have an unacceptable effect on the living conditions of the occupiers of the neighbouring houses in Palmerston Road. It therefore conflicts with MLP Policy D12.3 which seeks to protect amenity including ensuring that acceptable light, privacy and outlook would be available to existing and future occupants of proposed development and its surroundings.

#### *Living Conditions – future occupiers*

13. The proposal would create a pair of 1-bedroom flats. The proposed floor plans indicate that they would narrowly exceed the minimum space standard for 1-person units set out in the London Plan. However, neither would have access to private amenity space and this would not be compensated for by the inclusion of additional living space or access to communal amenity space within the site or immediate area. This, combined with the limited level of outlook from the proposed dwellings, would result in unacceptable living conditions for future occupiers. The proposal is therefore contrary to LP Policy D6 and MLP Policy D12.3.

#### *Cycle Storage*

14. The revised drawings show a pair of enclosed vertical cycle racks at ground floor level, which would provide secure storage in an easily accessible location. I am therefore satisfied that the proposal would provide adequate cycle storage and accords with LP Policy T5 and MLP Policy T16.2.

#### *Car Parking*

15. The appeal site has a Public Transport Access Level rating of 6a, indicating that it has excellent access to public transport. As such, future occupiers of the proposal would not be reliant on the car. As the appeal site is situated in a Controlled Parking Zone, it is reasonable to ensure that residential development in this location is car-free to prevent unacceptable levels of parking stress in the locality.
16. Although the appellant has indicated a willingness to enter into a Section 106 legal agreement there is no such agreement before me. In the absence of this the proposal would have an unacceptable effect on parking stress in the area and therefore fails to accord with MLP Policies T16.3 and T16.4 and Policy T6 of the London Plan (2021) which, amongst other matters, promote the use of sustainable transport modes, including car free developments in areas of high accessibility.

#### **Conclusion**

17. For the reasons set out under the second, third and fifth issues above, and having regard to all other matters raised, I conclude that the appeal should fail.

*S Poole* INSPECTOR