



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

Appeal Ref: APP/T5720/W/25/3359420

Red Studios, Elm Grove, Wimbledon SW19 4BX

- 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 C Ackley, Harepath SW19 Ltd, against the decision of the Council of the London Borough of Merton.
 - The application Ref is 24/P0946.
 - The development proposed is the erection of an additional floor providing Class E office space above the existing four storey office building.
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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. In light of this, the main parties have been given the opportunity to provide comments on the new MLP. I have had regard to the comments received and have considered the proposal against the relevant policies in the MLP.

Main Issues

3. The main issue are the effects of the proposal on: (i) the living conditions of the occupiers of adjoining dwellings, with particular regard to outlook, natural light and noise disturbance, and (ii) car parking stress in the area.

Reasons

Living Conditions

4. The appeal site comprises a recently constructed 4-storey office building and 7, part-3 part 4 storey houses. The latter are arranged in 3 short terraces that are attached to one side of the office building to create an overall development with an "E"-shape footprint. Narrow roads between the terraces provide access to the houses and their integral car ports. The houses comprise bedrooms on the lower 2 floors, the main living space at second floor level, terraces and lounges at third floor level and roof gardens above. The site forms part of the Elm Grove Industrial Park and is located at the southern end of Elm Grove, a predominately residential cul-de-sac which is accessed from Worple Road.
5. Outlook from, and natural light to, the 7 houses is, to varied degrees, limited due to the close spacing between the terraces and their attachment to the taller office

building. In respect of sunlight, this situation is exacerbated by the fact the office element is to the south-east of the houses and houses 6 and 7 are single aspect.

6. The proposal would comprise the erection of a roof addition on the office element that would be set away from the 2 ends of the roof to enable the formation of a pair of roof terraces. This additional floor would further enclose the adjoining dwellings and reduce natural light reaching many habitable rooms. This would exacerbate an already poor situation. In addition, the already enclosed terrace serving house 2 would be further enclosed resulting in a severe reduction of outlook from and natural light to this external space. The roof gardens by contrast are large and exposed and would retain adequate levels of sunlight.
7. The pair of proposed roof terraces would be sited close to the roof gardens serving houses 2 and 6. Whilst overlooking of these outdoor spaces could be overcome by the imposition of a planning condition requiring the installation of screening, I share the Council's concern that the intensive use of the pair of terraces could lead to unacceptable levels of noise disturbance to the occupiers of houses 2 and 5, which would further exacerbate the impacts of the proposal on the living conditions of these occupiers. A planning condition to control hours of use of the terraces would be problematic to enforce and would not therefore represent a meaningful means of mitigating the impacts in this respect.
8. For the reasons set out above I conclude therefore that due to its siting, height and massing the proposal would have an unacceptable effect on the living conditions of occupiers of the adjoining dwellings. As such the proposal fails to accord with MLP Policies D12.3 and D12.4 which seek to protect amenity including ensuring that acceptable light and outlook would be available to existing and future occupants of the proposed development and its surroundings.

Car Parking

9. The proposal would result in an uplift in commercial floorspace and therefore a likelihood that occupiers of the additional floorspace would seek to travel to the site by car. Whilst the nearby roads are within a controlled parking zone which restricts parking to permit holders only, the information before me suggests that future occupiers of the additional floorspace would be able to apply for, and potentially gain, parking permits. In such circumstances a planning obligation removing the rights of future occupiers to apply for car parking permits is reasonable.
10. To this end the appellant has provided a s106 Unilateral Undertaking. However, this has not been certified by a solicitor as a true copy of the original and therefore I cannot attribute weight to it. For these reasons I must conclude that 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 which, amongst other matters, promote the use of sustainable transport modes, including car free developments in areas of high accessibility.

Conclusion

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole INSPECTOR