



Appeal Decision

Site visit made on 1 October 2025

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th October 2025

Appeal Ref: APP/T5720/W/25/3367044

34-40 Morden Road, South Wimbledon, London SW19 3BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Gareth Jones of Jones Granville Limited against the decision of the Council of the London Borough of Merton.
 - The application Ref is 24/P1926.
 - The development proposed is described as demolition of existing buildings and outbuildings; construction of new building consisting of seven internal floors ground level surface access, limited parking; proposed aparthotel and replacement residential units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the address given on the original application forms was 40 Morden Road, it is clear from the plans that the site relates to 34-40 Morden Road, and so I have used that address above.
3. The application was submitted in outline form with matters of access and scale to be considered at this stage, and matters of appearance, landscaping and layout to be reserved for later consideration. I have determined the appeal on the same basis and therefore I have considered any details on the drawings relating to the reserved matters as indicative only.

Main Issues

4. The main issues are:
 - i) the effect of the development on the character and appearance of the area;
 - ii) the effect on the provision of housing, including affordable housing;
 - iii) whether the development would provide an appropriate mix of housing;
 - iv) whether the proposal would provide acceptable living conditions for its occupiers in respect of their outlook, security, accessibility and fire safety;
 - v) the effect on the living conditions of neighbouring residents with regard to their outlook and light;
 - vi) the effect on highway safety;
 - vii) the effect on flooding;
 - viii) whether the development would provide a sufficient urban greening factor;
 - ix) whether the development would minimise emissions; and
 - x) whether the development would be air quality neutral.

Reasons

Character and appearance

5. The site is located at the junction of Morden Road and The Path. It is a short distance from the commercial area around South Wimbledon station, but there are residential properties immediately to its rear, opposite, and to its north. There is a B&Q shop to its south. The houses on The Path to the rear are two storey, whilst the neighbouring building to the north at 30 Morden Road is 3½ storey with a 2½ storey section immediately adjacent to the appeal site. The flatted development opposite is four storeys and the commercial buildings to the south are roughly the equivalent of three storeys.
6. Due to its height, at seven stories at its highest, it would be substantially taller than all neighbouring development and hence would be excessively prominent in the street scene. The stepping down towards the rear would assist in reducing its impact when seen from this direction. However from positions along Morden Road, in particular from the north, its taller height, greater mass and forward position compared to No 30, would be stark.
7. It is understood that the scheme has been designed to reflect that which is planned to come forward on the opposite side of Morden Road. However, to date, that development has not materialised. Additionally, although new developments have come forward in the decade since the last application, notably at the junction with Milner Road, these are further north and do not inform the setting of the appeal site.
8. The scale of the development would therefore fail to reflect the character and appearance of the immediate area. It would hence conflict with policy D3 of the London Plan (2021) which requires development to respond to the existing character of a place; and Merton Local Plan (2024) (MLP) policy D12.3 which seeks to ensure proposals enhance local distinctiveness by responding positively to, among other things, the height and massing of surrounding buildings and existing street patterns.
9. The site itself is occupied by a short terrace of four two-storey houses which have been converted into flats. Although they are not locally listed, the Council identify them as non-designated heritage assets because of their age, being about 200 years old, which is considerably older than the other nearby buildings in Morden Road. Moreover, the other nearby residential properties in Morden Road are all flats and there are few houses remaining. The row of 11 terraced houses on The Path are set back a considerable distance behind Morden Road and so are not as prominent as those at the appeal site.
10. As such, the houses at the appeal site provide a valuable historic aspect to the street scene. Even though they have been altered, particularly to their rear, they nonetheless contribute positively to the character and appearance of the area. Their demolition and replacement with a seven-storey building would therefore inevitably result in significant harm being caused to the character and appearance of the area.
11. It is noted that in the officer report to a previous application, the Council considered the loss of the buildings would not warrant refusal of that application. However, that was the view in 2013 and since that time an Inspector into an appeal on a

subsequent application has commented that the buildings are a non-designated heritage asset, and the Council now consider their loss to be harmful. I agree.

12. The loss of the existing buildings would therefore conflict with paragraphs 202 of the National Planning Policy Framework, which identifies that all heritage assets are an irreplaceable resource; and 216, which sets out that the effect of a development on a non-designated heritage asset should be taken into account having regard to the scale of the harm and the significance of the asset.

Housing provision

13. It is agreed by the parties that there are 12 residential units across the four properties at the site at present. Although the Design and Access Statement, dated June 2024, submitted with the application referred to the development providing 11 Class C3 flats, it was later clarified, in an email dated 2 September 2024, that there would be 12 Class C3 flats and 22 aparthotel units (Class C1). This could be ensured by a condition and hence the provision of 12 Class C3 flats to replace the existing 12 flats would not result in a loss of permanent housing. There would therefore be no conflict with MLP policy H11.2 which seeks to ensure there is no net loss of homes in the Borough in order to support the provision of housing.
14. With regard to affordable housing, MLP policy H11.1 sets out that 50% of all new homes should be affordable, and that for schemes of 10 homes or more (gross) affordable housing should be provided on site. As such, even though there would be no net gain in permanent dwellings, the provision of 12 new residential units generates a need for affordable housing. There is no legal agreement to secure any affordable housing and no assessment to demonstrate affordable housing would not be viable. As the development fails to provide any affordable housing it therefore would fail to accord with policy H11.1.

Housing mix

15. The appellant, in their email of 2 September 2024, clarified that, in terms of the Class C3 units, the proposal would provide four 2-bed units and eight 1-bed units. MLP policy H11.3 identifies that housing provision in the Borough should be fairly evenly spread between 1 bed, 2 bed and 3+bed units. By providing eight 1-bed units and no 3+bed units, the proposal would not reflect the policy.
16. The officer's report advised that based on the floor plans provided, which showed a total of five 1-bed units and four 2-bed units over two floors, the mix may be acceptable accounting for the site's proximity to South Wimbledon station. However this is only the layout of two of the floors and is not the full provision set out in the evidence. In any case, overall the Council do not conclude the mix is appropriate, and I agree. Whilst layout is a reserved matter, and some units may be able to be amended to provide more bedrooms so as to provide a more policy compliant mix, that may have consequential impacts for the scale of the building or may conflict with the number of units, both Classes C3 and C1, proposed. Therefore I consider the development would not provide an acceptable mix of accommodation. It would hence fail to accord with policy H11.3, as described above, and London Plan H10 which also supports the provision of a range of unit sizes in schemes.

Living conditions – future occupiers

17. As the proposal is in outline form, the position of windows and the layout of individual units within the development would be determined when the reserved matters of appearance and layout are considered. Therefore I cannot conclude that the outlook from some future windows would necessarily be poor. Nonetheless, the scale of the depth and width of the building would mean some units would necessarily be only single aspect. This would limit the natural light within those units and the outlook from them.
18. Part y of MLP policy D12.3, sets out that single aspect homes are strongly discouraged and will only be accepted where it is demonstrated that the units would, among other things, have sufficient ventilation, daylight, and are necessary to optimise site capacity. None of these factors have been demonstrated in this case and as such the proposal would conflict with this policy.
19. With regard to the accessibility of the units, the layouts provided for the flats on the ground and third floors do not demonstrate they would be wheelchair accessible. However, it is likely they could be made so with alterations to the layout, such that 10% of the units provided would meet Building Regulation M4(3) as required by policy D7 of the London Plan. Likewise, alterations to the layout of the central core could be made to provide sufficient accessibility to the lifts from the car park, whose layout would also be considered at the reserved matters stage.
20. Regarding security, it is reasonable to consider that the aparthotel units would require their own entrance and circulation space for management purposes. Indeed if the communal areas were shared, residents of the C3 units may perceive a lack of security resulting from the more regular turnover of occupants of the C1 units. However the layout of the building may be able to be designed, in a reserved matters application, to provide this separation. Consequently, at this stage, I could not conclude the development would necessarily have an unsafe layout as required by policy D12.3.
21. Policy D12 of the London Plan sets out that development must achieve the highest standards of fire safety, and that major development should be accompanied by a fire statement. Although there is no such statement before me, it is likely that most of the measures identified in the policy as forming a fire statement could be provided as part of the detailed design in a reserved matters application. In particular, the provision of two stair cores may be able to be provided with minor alterations to the internal layout of the building. Consequently, at this stage, I do not consider the proposal could not achieve the highest standards of fire safety and therefore, overall, it would accord with policy D12.
22. In summary, although the proposal would be acceptable in respect of its ability to provide accessible units, ensuring the security of its occupiers, and by providing the highest standards of fire safety, it would most likely provide a number of single aspect units due to the scale of the building and the number of units it would necessarily accommodate. The poor light within, and outlook from, such units would be likely to be unsatisfactory. As a result, the proposal would fail to provide acceptable living conditions for its future occupiers and so would be contrary to policy D12.3 as set out above.

Living conditions - neighbours

23. The rear part of the building would be separated from the rear garden of 2a The Path by a narrow service road. The development would undoubtedly be visible from the rear garden at No. 2a as well as other neighbouring gardens of the houses along The Path. However the separation provided by the service road and the stepped design as indicated, leads me to consider that the development would not unreasonably harm the outlook from these rear gardens. My view is consistent with the Inspector of the previous appeal which, from the evidence before me, concerned a building of a similar scale to that in this current appeal. In addition, since that time, a single storey rear extension has been added to No. 2a. This will have affected the outlook from part of the garden at No 2a, and so reduces the effect of the proposal further. Furthermore the submitted sunlight and daylight analysis demonstrates there would be no harmful impact on the rear gardens of the dwellings on The Path and I have no substantive evidence before me to support a contrary view.
24. With regard to 30 Morden Road, there would be a greater distance between the proposal and the rear garden there, and the mature screening on the common boundary would assist in mitigating any harmful effect. Furthermore, the taller section would not project any further rearwards than the existing building at No. 30. The building would be further forward than No. 30 and would be significantly taller. Nonetheless, the outlook from the east facing windows at this neighbouring property would primarily be towards Morden Road with the proposal seen off to the right. In such a dense urban environment as this, the outlook from No. 30 would not be unreasonable and the development would not be likely to unacceptably harm the living conditions of the occupiers of that property.
25. Overall, the proposal would not be likely to unacceptably harm the living conditions of the occupiers of any nearby dwellings in terms of outlook or light. It would therefore, in this respect, not conflict with policy D12.3 which requires that acceptable light and outlook should be available to existing occupiers of surrounding development.

Highway safety

26. The plans indicate that seven car parking spaces would be provided, including two disabled spaces. The appellant states the site has a PTAL of 6. MLP policy T16.4 and London Plan policies T6.1 and T6.4 state that development in areas with a PTAL rating of 5-6 will be expected to be car free. On a reserved matters application for the layout of the site, the parking shown could readily be removed, or amended so that only disabled or servicing parking, whether for the C3 or C1 use, is provided.
27. However, to ensure the development is car free, a planning obligation would be required which prevents future occupiers of the development from applying for permits for on-street parking. Although I understand one was submitted with the previous application, that was around 10 years ago and there is not one before me relating to this proposal. Furthermore, as an outline consent is the planning permission, it is not a matter that could be deferred for a reserved matters application. Without such an undertaking in place, the proposal could lead to an increase in the pressure on on-street parking which could subsequently result in indiscriminate parking. This would be a risk to highway safety. It would therefore be

contrary to policy T16.4 which requires development in Controlled Parking Zones to be permit free.

28. With regard to servicing, the appellant suggests that the servicing arrangements have not changed since the previous application, which was supported by a Transport Note (dated November 2011). However, at the outset, that Note describes the development as being for 10 residential units plus a 58 unit aparthotel, which is clearly not the development now proposed. It goes on to say that service vehicles would be able to enter and leave the site in a forward gear. I am not convinced this would be possible with a building of the scale shown, nor that servicing vehicles would be able to fit under the undercroft without requiring an increase in the height of this part of the building, and there are no drawings to demonstrate to the contrary. As such the proposal would fail to accord with London Plan policy T7 which requires development to facilitate safe and efficient servicing.
29. Lastly, as the Transport Note relates to a materially different development and was written around 14 years ago, it cannot be relied upon to demonstrate that the current proposal in its current context would have no adverse effect on the local highway network. The proposal would therefore conflict with MLP policy T16.3 which requires transport statements or assessments to be submitted to demonstrate development would not have a detrimental impact on the transport network.
30. Overall, because of the lack of a legal agreement to ensure the development is permit free, the failure to demonstrate it would provide sufficient access for servicing, and the lack of any contemporary transport assessment to demonstrate the proposal would have no unacceptable effect on the local highway network, I cannot conclude the proposal would not adversely affect highway safety. It would therefore fail to accord with policies T16.3, T16.4 and London Plan policies T6.1, T6.4 and T7 as set out above.

Flooding

31. The Council state that the site lies within an area at risk of groundwater flooding. Given a development of this scale would result in an increase in the built form on the site, which currently contains some gardens, it is reasonable to consider that there could be an increase in surface water run off which could impact upon groundwater. No assessment of this has been provided, and although the appellant suggests that a sustainable design statement could be provided at the reserved matters stage, this would not necessarily address fundamental issues such as the effect of the scheme on sources of flooding. Without any such assessment I cannot conclude that the development would have no unacceptable risk on flooding. It would therefore conflict with MLP policies F19.7, F19.8 and F19.9, and London Plan policies SI12 and SI13 which together aim to ensure that development reduces the risk of flooding from all sources and protects groundwater by incorporating flood resilience and water efficiency measures.

Urban Greening

32. Policy G5 of the London Plan states that development should contribute to the greening of London by including urban greening as a fundamental element of site and building design. It recommends that for residential development, an urban greening factor (UGF) of 0.4 should be achieved, and this is consistent with MPL policy O15.5. No assessment of this has been submitted and although some areas,

such as the communal terrace, could be suitable for some planting, it is not clear that these areas would be able to provide the required UGF. The Council advise they have received a Biodiversity Net Gain calculation, but this is not the same issue. Without any assessment, it is not clear that a development of this scale could provide the required UGF and therefore I cannot conclude the development would accord with the aforementioned policies.

Emissions

33. MLP Policy CC2.2 requires developments to provide an energy statement to demonstrate how greenhouse gas emission savings have been maximised and carbon reductions achieved. It goes on to confirm that if the net zero carbon target cannot be achieved on-site, off-site provision or an in-lieu payment would be necessary. This would need to be secured at this outline stage. As no energy statement has been provided, it is not possible to conclude that such compensatory measures would be unnecessary. As such measures may be necessary, and there is no mechanism before me to secure them, I cannot be confident that the development would minimise emissions. It would therefore fail to accord with policy CC2.2.

Air quality

34. MLP policy P15.10 sets out that developments must be air quality neutral and that where a development is not air quality neutral, a planning obligation may be used to secure financial contributions towards air quality measures. Although the existing and proposed uses are both residential, I have no evidence to demonstrate that the development would be air quality neutral, particularly given its location at a junction on a busy road. Therefore, I cannot conclude that air quality at the site would be acceptable, and if it is not and air quality measures are required, there is no planning obligation before me to secure them. The development therefore would conflict with policy P15.10 as set out above.

Conclusion

35. The proposal would have a harmful effect on the character and appearance of the area and would harm a non-designated heritage asset, would fail to provide satisfactory living conditions for its future occupiers, would not provide the required affordable housing, and would provide an inappropriate mix of housing. In addition I cannot conclude the proposal would be acceptable in respect of highway safety, flooding, urban greening, energy efficiency and air quality.
36. There would be no unacceptable impact on the living conditions of neighbouring residents, no net loss of housing, and at this stage I have no reason to consider the proposal would not provide accessible units, suitable security for its occupants, or the highest standards of fire safety. I also have no reason to dispute the appellant's suggestion that there is a need for additional hotel rooms in London.
37. However, overall, the proposal would conflict with the development plan taken as a whole and there are no other considerations that indicate a decision other than in accordance with the development plan. As such the appeal should be dismissed.

A Owen

INSPECTOR