



Appeal Decision

Site visit made on 17 December 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 December 2025

Appeal Ref: APP/T5720/W/25/3371051

Land between 6 and 8 Bordesley Road, Morton, Merton SM4 5LR

- 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 Arshad Mirza of Evergreen Construction Trading Ltd against the decision of the Council of the London Borough of Merton.
 - The application Ref is 25/P0211.
 - The development proposed is for the erection of a three-storey building with 4 x 2 and 2 x 1 bedroom flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For conciseness, I have taken the site address in the heading above from the Council's decision notice.
3. Despite the reference to 4 x 3 bedroom flats on the appeal form, I have taken the description from the Council's decision notice which reflects changes made during the application stage.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on car parking and highway safety;
 - the effect of the proposal on the living conditions of neighbours, with particular regard to outlook, light and privacy;
 - the effect of the proposal on the internal living conditions of future occupants;
 - whether the proposal makes adequate provision for outdoor amenity space, cycle storage, bin storage and safety and security measures for future occupiers;
 - whether the proposal would make an adequate contribution towards climate change;
 - whether the proposal makes adequate provision towards affordable housing;and

- the effect of the proposal on trees and biodiversity.

Reasons

Character and appearance

5. The appeal site occupies a corner plot on Bordesley Road, consisting of tree-lined grassland between a pair of semi-detached dwellings to the north and a terrace row to the east. The surrounding area is predominantly residential, characterised by brick-built semi-detached and terraced houses arranged in uniform linear rows with consistent set back distances from the road. While minor variations exist, such as bay windows and small porches, the prevailing character of the built form is defined by recurring features including fenestration arrangements, door canopies, hipped roofs, and a regular rhythm of chimneys along the ridge line, maintaining a consistent two-storey height. As part of the St. Helier estate, influenced by the Garden City movement, the spacing between dwellings, particularly on corner plots, contributes to a sense of spaciousness and a suburban character.
6. The proposed building, with its largely square footprint positioned forward of neighbouring properties and close to plot boundaries and footpaths, would disrupt the established building line and appear visually dominant within the street scene in stark contrast to its surroundings. This would undermine the uniformity and erode the character and appearance of the area.
7. Furthermore, its design fails to adequately respond to local distinctiveness. For example, the solid-to-void ratio is disproportionately weighted towards brick compared to surrounding development and it takes limited cues from its surroundings with regards to architectural features. Moreover, while the overall height would not exceed neighbouring ridge levels, the Mansard roof form would appear incongruous in a context defined by hipped roofs. The inclusion of flat-roof dormers on all elevations would further accentuate its discordance, as such features are typically absent from the prevailing roofscape. Although I note that external facing materials would reflect the surroundings, this would not overcome the harm I have identified from the building's design.
8. The St. Helier Estate Design Guide has been drawn to my attention, but it is unclear when this was produced or its status. It provides a useful analysis of the character of the area but is more aimed at householder developments. Consequently, it has a limited bearing on my findings.
9. For the reasons set out above, I find that the proposal would have a demonstrably harmful effect on the character and appearance of the area. This would be in direct conflict with Policies 12.1 and 12.2 of the Merton Local Plan 2024-2037/8 (MLP). Amongst other things, these policies expect high quality design that respect and positively respond to their context, have an appropriate street level presence and roofscape that creates a positive relationship to neighbouring buildings and spaces ensuring that the scale, height, mass, bulk and form is appropriate. It also runs counter to Policy D3 of the London Plan 2021, which requires a design-led approach to enhance local context by delivering buildings and spaces that positively respond to local distinctiveness.

Car parking and highway safety

10. MLP Policy T16.3 aims to deliver sustainable transport that will improve road safety, reduce congestion and on-street parking dominance, promote more active travel choices and minimise vehicular emissions. London Plan Policy T6.1 refers to maximum residential car parking standards set out in its associated Table 10.3. The supporting text for this policy highlights that the dominance of vehicles on streets is a significant barrier to walking and cycling, such that new parking provision must be carefully controlled.
11. The proposal advances a car-free scheme. As the appeal site has a Public Transport Accessibility Level rating of 5, indicating a good level of public transport accessibility, and given it lies within the M2 Controlled Parking Zone (CPZ) where there are on-street parking pressures, a car-free development would be appropriate. This approach would accord with the aforementioned policies.
12. However, to deliver car-free development, a mechanism is required to ensure that anyone living there, other than a Blue Badge holder, would not be eligible to apply for a residents parking permit. It is common ground that a Planning Obligation would be required to secure this. Accompanying the appeal is a form entitled 'Agreement to pay fees and to complete a Unilateral Undertaking for small sites contribution and/or Permit-Free Development' indicating the appellants willingness to enter into such an obligation. However, whilst a draft is appended to the form, no completed, binding obligation is before me with the necessary proof of title. Consequently, there is no means of securing a car-free development.
13. The effect of not being able to secure this, could lead to exacerbating parking stress in the area, leading to increased congestion and harm to highway safety through unsafe parking practices. Therefore, conflict is identified with Policy T6.1 of the London Plan and MLP Policy T16.3, the objectives of which I have outlined above.

Living conditions of neighbours

14. The appeal site is flanked by Nos. 6 and 8 Bordesley Road. Although No. 8 is not expressly referenced in the Council's second reason for refusal, the use of the phrase "in particular" does not restrict my consideration of impacts on other nearby dwellings. Moreover, the officer's report clearly indicates that the Council considered No. 8 to be adversely affected. I have therefore assessed the effects of the proposal on both the occupiers of Nos. 6 and 8.
15. Whilst no party has indicated a precise distance, the appeal building would be placed in very close proximity to the side elevation of No. 6. The plans show that at ground and first floor there would be proposed windows facing No. 6, serving sitting rooms and bedrooms, with the second floor boasting dormer windows to the sitting room and home office. According to the appellants evidence, these would face existing windows that serve the kitchen, a storage area, landing and bedroom. Even though the landing is not a habitable room, nevertheless the window placement would result in direct overlooking into the home of No. 6, which at this short distance would result in an unacceptable intrusion and loss of privacy.
16. None of the proposed windows are annotated as being obscure glazed, and as habitable rooms with an expectation of some outlook, nor would it be appropriate to secure this by condition.

17. The plans show that washroom and kitchen windows would face No. 8 on all three levels. It would be reasonable to expect that the washroom windows would be obscure glazed but not those serving the kitchens. Kitchen windows on this northern elevation, particularly from Flats 4 and 6, would be afforded direct views into the first-floor window of No. 8, which according to the appellant's evidence serves a landing. However, it would also afford views into part of their private rear garden to this property. The distance between the buildings would not be sufficient to negate this overlooking. Consequently, privacy needs would not be met for either No. 6 or No. 8.
18. The Daylight and Sunlight Assessment acknowledges that there would be a reduction of light to the windows facing the appeal site to No. 6. It concludes that the rooms which contain these windows are either of less importance in terms of daylight or have additional glazing and therefore the overall daylight quality of the neighbouring properties would be maintained. Whilst I mostly agree with these findings, I am not satisfied that the light to the kitchen of No. 6 would be sufficient, noting that the partially glazed back door with narrow side light is obscure glazed so would allow little additional light penetration. As a room where occupants are likely to spend prolonged periods, I consider it to be an important room. Furthermore, the outlook from this kitchen would be dominated by a large building at close range which would have an imposing and visually obtrusive effect.
19. Although the appellant refers to the appeal building being further from the side boundaries than a previously approved dwelling on the site, no details of the previous approval are before me to allow any meaningful comparison. Therefore, it does not alter my findings.
20. The appeal building would be sited to the west and south of No's 6 and 8 respectively. Given this orientation, there would be some overshadowing to the adjacent properties and their gardens, most notably in the afternoons and early evening. However, this would not be significant and by itself would not be fatal to the scheme.
21. Nevertheless, I have identified that the living conditions of neighbours would be adversely affected by reasons of loss of privacy, outlook and light. This would be contrary to Policy D3 of the London Plan and MLP policies D12.2 and D12.3. Together these policies expect development to deliver appropriate outlook, privacy and amenity and to creating a positive relationship to neighbouring buildings and spaces.

Internal living conditions - future occupiers

22. Amongst other things, MLP Policy D12.3 expects development to be fit for purpose, meeting, or exceeding the minimum space standards set out in the London Plan. Further, it requires proposals to be of functional size and proportions demonstrating efficient layouts. This expectation is echoed by London Plan Policy D3, whilst Policy D6 sets out that housing should provide adequately sized rooms with comfortable and functional layouts. It goes on to set out minimum requirements for gross internal floor areas (GIA) and requires internal ceiling heights of 2.5m for at least 75% of the GIA of each dwelling.
23. A mix of housing types and sizes is expected by MLP Policy H11.1. It also requires step-free, accessible and adapted housing in accordance with London Plan Policy D7. At least 10% of dwellings should meet Part M Volume 1 of the Buildings

Regulations requirement M4(3) 'wheelchair user dwellings' and all other dwellings should meet M4(2) 'accessible and adaptable dwellings' standards. There is nothing within this policy or its supporting text that limits its application. Thus, I find that it applies to new build dwellings, irrespective of the number of units proposed.

24. Flats 1 to 4 purport to be 2-bedroom 3-person units, whilst Flats 5 and 6 would be 1-bedroom 2-person units. These require a minimum GIA of 61sq. m and 50sq.m respectively, in accordance with Policy D6 of the London Plan. All 6 flats narrowly exceed the minimum GIA floor area.
25. However, the ground floor flats have entrances that open directly into the kitchens, reducing them to corridors and severely restricting their usability. This would force occupants to vacate the room whenever others enter or exit. Additionally, the absence of storage for outdoor wear at the entrance creates an impractical and substandard living environment. Consequently, I find that the layouts for these two flats are fundamentally flawed, failing to provide functional or comfortable living conditions.
26. The configuration of the rooms, including the narrow kitchens on each level, the minimal size washrooms and the door openings, indicate that the flats would not be suitable for wheelchair users or those less mobile either now or in the future. With four flats being accessible by stairs and with no lift available, these would not be step-free either. As such I am not satisfied that the proposal would meet the expectations around accessibility and adaptability that I have outlined above. Accordingly, I also find conflict with MLP Policy 11.1 and London Plan Policy D7.
27. The proposed ceiling heights of 2.4m would fall short of those expected by Policy D6 of the London Plan, albeit the appellant points to them meeting building regulations. The level of shortfall is minimal and overall, I am satisfied that this would not result in unacceptable living standards when coupled with the unit sizes.
28. However, considering these matters as a collective, I find that the internal living conditions of future occupants would not meet the high standard of design required by virtue of their poor layout and failure to meet accessibility and adaptability standards. This brings the scheme into conflict with MLP policies H11.1, D12.3 and London Plan policies D3, D6 and D7, the objectives of which I have outlined above.

External space

29. Efficiently laid out external amenity space that meets or exceeds the standards set out in the London Plan is the expectation of MLP Policy 12.3. In exceptional circumstances, where it is not possible to meet the minimum private amenity standards, it requires the remainder to be supplied in the form of communal amenity space. London Plan Policy D6 sets a minimum standard of 5sq.m of private outdoor space for 1-2 person dwellings with an extra 1sq.m for each additional occupant, which must also meet a minimum depth of 1.5m.
30. Adequate well-designed and integrated cycle storage is required in accordance with MLP Policies T16.1, T16.2 and London Plan Policy T5. Bin storage is expected to be of sufficient capacity to accommodate refuse and recycling and to ensure they do not negatively impact the quality of amenity spaces or the visual impact of the street scene, to comply with MLP Policy 12.3.

31. The plans show a narrow margin of space that wraps around the building and a pocket of space adjacent to ground floor Flat 2. The quantum of space is not shown, nor have the plans been annotated to demonstrate how this space would be used. However, from the plans and evidence before me, it is clear that the flats would not have access to private outdoor space.
32. No exceptional circumstances have been advanced to show that it would be appropriate to meet the external amenity space expectations via a communal facility. Furthermore, the usability of the space on offer is not a layout of high standard. The space around the building would not be functional at all owing to its narrowness and lack of privacy. Boundary treatments or soft landscaping could not remedy this. The layout of the pocket of space to the north appears contrived and cramped considering the number of occupants it is expected to serve, leaving insufficient space for sitting out or practicalities such as drying laundry.
33. Additionally, it would not be conveniently located which is likely to discourage usage by upper flats, given their entrance is at the opposite side of the building and that it lies immediately outside Flat 2 and its bathroom window. As such it certainly does not offer an outdoor environment that would be comfortable or inviting for people to use as expected by London Plan Policy D3.
34. Cycle parking and bin storage areas are shown on plan which the Council indicate measure 3m by 1.5m each, a matter undisputed by the appellant. Minimum standards for secure, covered cycle parking set out in the London Plan indicate that, based on expected occupancy levels, provision should be made for at least 11 cycles. It has not been shown how the quantum of cycles could be accommodated within the modest area allocated. Given this development is advanced as car-free, it is imperative that adequate provision is provided to actively encourage sustainable modes of transport for occupiers which a deficit could compromise.
35. The proposed bin store is located forward of the proposed building to its side. Whilst close to the pavement for minimal drag distance, insufficient evidence is provided to demonstrate that the required quantum of storage bins for general waste, recycling containers for glass, card/paper, cans, plastic and food recycling caddies could be accommodated, regardless of whether these are provided for all individual flats or in the form of larger communal bins. This risks an overspill of bins being stored on the pavement or within the already compromised external space. Consequently, I find the proposal fails to demonstrate bin storage is of an appropriate scale, risking consequential adverse effects on the character and appearance of the street scene.
36. Whilst no details are provided in respect of the use of intercoms, external lighting, secure letter boxes and quality standards for doors, I am satisfied that had I been minded to allow the appeal, these matters could have been secured by condition to meet the Secured by Design principles.
37. Although no harm is identified in respect of safety and security measures, for the reasons set out, I find that the proposal does not make adequate provision for outdoor amenity space, cycle storage or bin storage for future occupants. Therefore, the proposal runs counter to the aims of MLP policies 12.3, 16.1, 16.2 and London Plan Policies D3, D6 and T5, the expectations for which I have outlined above.

Climate Change

38. In the interests of improving air quality, London Plan Policy SI 2 expects boroughs to establish and administer a carbon off-set fund with payments being ring-fenced for that purpose. Similarly, MLP Policy CC2.1 aims to reduce carbon emissions and to net zero by 2050 in accordance with the Mayor of London's Energy Hierarchy. This involves using less energy, maximising energy efficiency and opportunities for renewable energy, monitoring, low carbon heat and ensuring that development mitigates the risk of overheating.
39. Policy CC2.6 of the MLP sets out that for developments of 1 dwelling or more, an energy statement should be provided demonstrating how emissions savings have been maximised at each stage of the energy hierarchy towards achieving net-zero carbon emissions on site. It goes on to say that where net zero cannot be fully achieved on site beyond the minimum requirements, any carbon shortfall should be provided through a financial contribution or off-site at an alternative proposal.
40. It is common ground that the development cannot achieve the net-zero carbon target on site and that a financial payment to Merton's carbon offset fund is required to make up the shortfall. However, no completed Planning Obligation is before me to secure the residual contribution towards carbon off-setting. Consequently, the proposal does not make an adequate contribution towards climate change, bringing the scheme into conflict with London Plan Policy SI 2 and MLP Policies CC2.1 and CC2.6.

Affordable housing

41. This scheme does not constitute a major development¹. Whilst the National Planning Policy Framework (the Framework) indicates that affordable housing should not be sought for residential development that are not major developments, the evidence indicates that, as a borough of small sites, Merton has previously struggled to achieve adequate delivery of affordable housing.
42. MLP Policy H11.1 (adopted 2024) sets out an expectation that for residential development of up to 9 homes, a financial contribution should be secured towards off-site affordable housing provision. This policy has been found sound at examination and has been recently adopted, such that I have no reason to doubt its need. Accordingly, I give it full weight.
43. The appellant accepts that £90k needs to be secured. However, for the same reasons I have already set out, there is no completed Planning Obligation to do this. Consequently, the proposal does not make an adequate provision towards affordable housing, contrary to MLP Policy H11.1 and thus fails to help alleviate the significant housing pressures within the borough.

Trees and biodiversity

44. The appeal site currently comprises grassland, lined with trees and shrubs along the street frontages. Although the line of conifers appears to be non-native, overall they make a positive contribution to the character and appearance of the area, particularly the larger tree immediately adjacent to No.6.

¹ For housing this is defined in the Framework as development where 10 or more homes will be provided. or the site has an area of 0.5 hectares or more.

45. No arboricultural survey or impact assessment is advanced. Despite reference to a landscaping plan, this is shown indicatively only, on the Proposed Ground Floor Plan and lacks detail. The existing trees are not depicted accurately on plan and the evidence indicates there would be replacement trees and native planting.
46. If the existing trees were lost, given the building consumes the site, there would be insufficient space surrounding it to achieve any meaningful replacements that would allow for trees of an appropriate species to establish and thrive.
47. In a scenario where established trees are to be retained, the proposed building would lie in close proximity to them. As such, it is reasonable to expect that the building would be sited within the root protection areas. Insufficient information is presented to enable a proper assessment of the effects, and it is not clear that the scheme could be constructed without having a detrimental effect on the health of the trees through root damage. Consequently, I am not satisfied that existing trees could be retained in good health.
48. Therefore, in either respect, the proposal would be contrary to the aims of London Plan Policy G7 and MLP Policy O15.4, which both seek to retain trees wherever possible, and where tree removal is shown to be necessary, they expect adequate replacement trees. It follows that the lack of space around the built form would not allow for appropriate urban greening to take place, also in conflict with London Plan Policy G5 and MLP Policy O15.5.
49. With regards to biodiversity, government guidance² provides advice on where to expect protected species. Habitat including trees has the potential to accommodate species including bats and nesting birds. Therefore, it is possible that they could be present. Harm or loss of trees could therefore have consequential effects on species that may be reliant on them. As the appeal scheme is not accompanied by any ecological assessment, it is not possible to ascertain whether the effects of the development can be avoided, mitigated or compensated for.
50. Whilst a biodiversity metric has been submitted, it has been completed by an Architect rather than a suitably qualified ecologist, and there is no supporting commentary that sits alongside it, making it difficult to interpret. Nevertheless, I am cognisant that if the appeal had been allowed, it would be subject to mandatory biodiversity net gain (BNG) requirements. As development cannot commence until the statutorily imposed biodiversity gain plan condition is discharged, it would be for the appellant to demonstrate how this could be achieved, following the BNG hierarchy, which could be fulfilled through off-site credits. Although the development could secure net gain through a separate BNG process, I find it does not appropriately manage on-site biodiversity impacts as required by London Plan Policy G6.
51. Drawing the above together, I am not satisfied that the scheme would have an acceptable effect on trees and biodiversity. Consequently, I find the appeal runs counter to London Plan policies G5, G6 and G7 and MLP policies O15.4 and O15.5, the objectives of which I have outlined above.

² Table 1 of Government guidance 'Protected species and development: advice for local planning authorities

Other Matters

52. There would be social and economic benefits arising from the scheme, including boosting the supply of housing and making efficient use of land where future occupants would be within close reach of local facilities and public transport. Whilst these matters weigh in favour of the proposal, their extent would be modest given the scale of the development. They certainly do not outweigh the totality of the significant and demonstrable harms I have identified in respect of each main issue, or the conflict with the development plan.

Conclusion

53. For the reasons set out above, the proposal would conflict with the development plan as a whole, and there are no other considerations which outweigh the adverse effects. Therefore, the appeal fails and is dismissed.

C Walker

INSPECTOR