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## Appeal Decision

Site visit made on 8 May 2015

by **John D Allan BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 June 2015

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**Appeal Ref: APP/T5720/W/14/3001828**  
**8 Hazelbury Close, London SW19 3JL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr D Sewell against the decision of the Council of the London Borough of Merton.
  - The application Ref 14/P3132, dated 12 August 2014, was refused by notice dated 8 December 2014.
  - The development proposed is the demolition of the existing 4-bedroom bungalow and the erection of a new 2-storey, 4-bedroom sustainable dwelling.
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### Application for Costs

1. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

### Decision

2. The appeal is allowed and planning permission is granted for the demolition of the existing 4-bedroom bungalow and the erection of a new 2-storey, 4-bedroom sustainable dwelling at 8 Hazelbury Close, London SW19 3JL in accordance with the terms of the application, Ref 14/P3132, dated 12 August 2014, subject to the conditions within the attached schedule.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

4. The appeal proposal is a revised scheme for a new dwelling to replace the existing bungalow following a previous similar proposal refused permission on appeal in September 2014 (Ref APP/T5720/A/14/2221044). In that case the Inspector recognised the coherent form of development within Hazelbury Close but considered that given the unique position of the appeal property and its already differing form, together with relevant advice within the National
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Planning Policy Framework (the Framework), that the design and materials of the new dwelling need not reflect those of its neighbours.

5. I have no reason to disagree with the previous Inspector's findings on this matter. The appellant has proposed a building with timber cladding at ground floor level and smooth render above. Whilst these finishes would not be used in a manner that would directly mimic the appearance of any existing houses within Hazelbury Close, the use of render is not alien in the immediate locality and the pitched roofs to various elements of the new dwelling would all be finished with tiles to match the existing and other surrounding properties.
6. Although there would be accommodation over 3 floors the outward appearance of the building would be of 2-storey scale. The size of the dwelling has been reduced in scale compared with that previously proposed, with a slightly shorter width overall. The intimate relationship with the nearest neighbouring property at 7 Hazelbury Close would however remain unaltered and it was this factor, coupled with the bulk and design of the new dwelling's side elevation, which my colleague found to be unacceptable.
7. I observed in the vista along Hazelbury Close that all of the dwellings appear fairly close in relation to each other. Any sense of openness is derived not from significantly perceived gaps between adjoining dwellings but instead from their recessed building lines and open plan frontages. When viewing the appeal site from the adopted part of the highway I am not persuaded that the separation between the new dwelling and No 7 would stand out in the street scene as being markedly out of step to that perceived between other properties along Hazelbury Close.
8. Moreover, the form of the originally proposed dwelling has been altered by removing an incongruous flat roof element to the rear. This had the effect of enlarging the scale and bulk of the side elevation at roof level with the Inspector finding that its irregular form would jar with the appearance of No 7. In comparison the dwelling now proposed would have a conventional side gable that would reflect the gabled form of all other nearby properties. Although the height of the new dwelling would be greater than No 7, the step change would be fairly negligible and would not, in my assessment, be visually disruptive in the street scene.
9. I accept that the proposal would alter the appearance of Hazelbury Close around the appeal site. That is an inevitable consequence of replacing a building of one type with another. I also accept that the new dwelling would have a fairly prominent presence. However, whilst its form and appearance would not directly replicate the architecture of its surroundings it would display a high quality sustainable design that I find would relate positively and appropriately to its suburban context. I am satisfied that the spacious qualities of Hazelbury Close would be unaffected.
10. I recognise that there is considerable opposition to the proposal from a number of surrounding residents. However, my findings on the various other matters raised do not differ from those of the previous Inspector. Any views into adjacent properties would not unacceptably harm the privacy of any adjoining occupiers, including those in Dorset Road and Poplar Road. This is due to separation distances involved; the orientation of adjoining plots; and the angles

of view. For similar reasons there would be no unacceptable impacts upon daylight affecting neighbouring plots. The dwelling would be to the north side of No 7 and would not affect direct sunlight to that property. The nearby protected beech tree would remain an important and prominent feature in the locality. The replacement of the existing bungalow with a positive example of a sustainably designed and built new home, which would equally contribute to the variety of local housing stock, is supported by the Framework as well as development plan policies.

11. There is no evidence to suggest that the solar panels on the roof would cause any hazardous glare and I am satisfied that they would not exaggerate the scale of the building. Any disturbance during the construction of the building would be reasonably short term. I consider the possible holding of open days to showcase the sustainable credentials of the building would be unlikely to be frequent or disruptive to the locality given the future residential occupancy of the dwelling. Although there are some letters of support for the proposal these have not been instrumental in my reasoning.

### **Conditions**

12. The Council has suggested a list of conditions which I have considered against the advice within the National Policy Guidance. In some instances I have varied the wording of the suggested conditions to more closely reflect the Guidance and model conditions.
13. For the avoidance of doubt and in the interests of proper planning it is necessary to impose a condition requiring that the development is carried out in accordance with the approved plans. In order to safeguard the character and appearance of the area a condition is necessary relating to materials of construction. I have noted an arboricultural report dated August 2014. However, this appears to have been prepared for extensions and modifications to the existing building. Therefore, for the same reason an arboricultural method statement is necessary to ensure that the development is sensitively undertaken with regard to the nearby beech tree. Within this condition I have included the requirement for foundation design, site supervision and a construction exclusion zone although I do not consider it necessary for the condition to explicitly require the Council to be notified of works commencing. In order to safeguard the residential amenities of neighbouring occupiers a condition is necessary to control the hours of construction works and to ensure that space is provided and used to accommodate site workers, construction vehicles and the like.
14. Conditions are necessary to ensure that the new dwelling is constructed to meet Level 4 of the Code for Sustainable Homes and Lifetime Homes Standards in light of the Councils' policies on these matters.

### **Conclusion**

15. For the reasons given I conclude that the proposal would not be harmful to the character or appearance of the area. As such, there would be no conflict with the aims or objectives of Policy CS14 *Design* of the Merton Core Strategy (2011), Policy DMD2 *Design considerations in all developments* of the Merton Sites and Policies Plan (2014), or with Policy 7.6 *Architecture* of The London Plan (2011) insofar as they all relate to quality of design and the impact of new

development upon its surroundings. Therefore, and having regard to all other matters raised, the appeal is allowed.

### **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 the following approved plans: Drg Nos HC 01, HC02 Rev C, HC03 Rev A and HC04.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the new dwelling have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place, including any works of demolition, until an Arboricultural Method Statement and Tree Protection Plan, drafted in accord with the recommendations of BS5837: 2012 Trees in Relation to Design, Demolition and Construction, have been submitted to and approved in writing by the local planning authority. The details shall include:
  - (a) the proposed design, materials and method of construction of the foundations to be used within 15m of the beech tree located within the garden of 53A Dorset Road;
  - (b) a programme for the erection and maintenance of protective fencing and the installation of any other protective measures within an identified root protection zone for the beech tree,
  - (c) provision for the supervision and monitoring of works by an arboricultural expert;

The details contained in the Arboricultural Method Statement and Tree Protection Plan shall be thereafter implemented on site and the protective fencing, other protective measures and monitoring shall be maintained during the course of construction.

- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - (a) the parking of vehicles of site operatives and visitors;
  - (b) loading and unloading of plant and materials;
  - (c) storage of plant and materials used in constructing the development;
  - (d) wheel washing facilities ;

- (e) measures to control the emission of dust and dirt during construction;
  - (f) measures to control surface water run-off.
- 6) Demolition or construction works, including deliveries of construction materials or plant or machinery, shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or recognised public holidays.
  - 7) The new dwelling shall achieve as a minimum Level 4 of the Code for Sustainable Homes. The dwellings shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.
  - 8) The new dwelling shall be constructed to Lifetime Homes Standards. The dwellings shall not be occupied until written evidence has been provided to the local planning authority to confirm that this has been achieved based on Lifetime Homes Standards criteria.

*John D Allan*

INSPECTOR

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