

---

## Appeal Decision

Site visit made on 24 May 2016

**by Cullum J A Parker BA(Hons) MA MRTPI IHBC**

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

**Decision date: 25 May 2016**

---

**Appeal Ref: APP/T5720/W/16/3143509**

**141 The Broadway, Wimbledon, London SW19 1QJ**

- 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 Parkgate Properties Limited against the decision of the Council of the London Borough of Merton.
  - The application Ref 14/P1008, dated 18 March 2014, was refused by notice dated 13 October 2015.
  - The development proposed is described as '*demolition of first and second floors of existing building with retention of ground floor and ground floor Class A3 use and creation of 6 storey building allowing the formation of 16 residential units over first to fifth floors*'.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - The effect of the proposed development on the character and appearance of the street scene, and;
  - Whether the proposed development makes adequate provision in respect of local infrastructure.

### Reasons

#### *Character and appearance*

3. The appeal site is located on the south side of The Broadway. The appeal building itself is a three storey period property, with a hipped roof and the ground floor used as commercial premises. The street scene comprises a mixture of four, five and six storey height forms; with examples of both residential and commercial uses nearby. Many of these buildings are modern in terms of their design, form, appearance and materials.
4. The appeal scheme seeks the demolition of the upper two floors and the creation of a six storey building, with a total of 16 residential units being provided by 7 one-bedroom flats and 9 two-bedroom units. A modern design approach has been adopted for the proposed storeys, with front projecting glazed bays set between central external balconies and a mixture of part brick and part metal cladding. The Council has raised concerns with what appear to

be differences in materials as shown on the submitted drawings compared to some CGI images used to illustrate the proposal. However, it is reasonable for matters, such as the specific materials and finishes, to be secured by condition. What is more, the modern nature of nearby buildings permits a fairly wide pallet of materials and finishes, which a condition would allow the Council to control. I do not therefore find that the material finish of the building justifies the dismissal of the appeal scheme.

5. In terms of the buildings design, overall this would respond positively to the form, scale and design of other nearby taller buildings along The Broadway. This is reinforced by the fact that there would be a gradual transition between the adjacent CIPD building and Nos 131 to 139 The Broadway. The design proposed would also ensure that the distinctive curved frontage of the CIPD building would be maintained as viewed from both the east and west directions. Overall the combination of these factors means that the proposed design would both reinforce and promote local distinctiveness and relate appropriately to the architectural form and language of the street scene.
6. I therefore conclude that the proposed development would not have an unacceptable impact on the character and appearance of the street scene. As such, it would accord with Policies DM D2 and DM D3 of the Sites and Policies Plan and Policies Map 2014 (SPPPM) and CS14 of the LDF Core Planning Strategy 2011 (CS), which, amongst other aims, seek to ensure that proposals for all development relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns.

#### *Local infrastructure*

7. The Council seeks a target of 40% affordable housing for schemes of 10 units or more under Policy DM H3 of the SPPPM and Policy CS8 of the CS. In this case, the appellant considers that a provision of 6 units, which falls just below the 40% threshold, to be appropriate. Policy CS 8 part (e) permits flexibility on the numbers, subject to the site characteristics, and with the Council raising no objections in this respect, I have proceeded on the basis that the provision of six affordable housing units is acceptable to the main parties in this case.
8. The Community Infrastructure Levy Regulations 2010 (CIL) are clear in that planning obligations should only be sought where they meet three tests; necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. These tests reflect those found in Paragraph 204 of the National Planning Policy Framework (the Framework).
9. On the evidence before me, it appears that the need for the contribution sought by the Council arises from the development and satisfies the 3 tests in Regulation 122(2) of the CIL Regulations 2010. In this case, although the appellant indicated that they would submit a signed and completed legal agreement to secure an affordable housing contribution, none has been submitted. The proposal would therefore fail to secure appropriate financial or other contributions towards the provision of affordable housing and so would be in conflict with Policy DM H3 of the SPPPM and Policy CS8 of the CS.

## **Other Matters**

10. I note the comments received from third parties in respect of matters such as the loss of privacy and light, the possible use of a condition controlling the use of balconies so that no bikes or BBQs are used or stored there, that all plant and machinery (including television aerials or phone masts) should require further permission, the possible loss of local property values, questions over the name of the appellant, the lack of parking provision on site, and the lack of primary school places and other services close to the appeal site. However, as I have found the proposal unacceptable on one of the substantive issues, there is no need for me to consider these matters further.

## **Conclusion**

11. Whilst I have found in favour of the appellant on the first main issue, I have not found in their favour on the second main issue as the proposal would fail to secure affordable housing as required by local planning policies. It would therefore fail to accord with the development plan, and there are no material considerations that warrant a decision other than in accordance with it.
12. For the reasons given above, and having taken into account all matters raised, I conclude that the appeal should be dismissed.

*Cullum J A Parker*

INSPECTOR

This page is intentionally left blank