
Appeal Decision

Site visit made on 14 November 2016

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 2 December 2016

Appeal Ref: APP/P5870/W/16/3155953
Meadows, Greenford Road, Sutton SM1 1JY.

- 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 A Boyce against the decision of the Council of the London Borough of Sutton.
 - The application Ref B2016/74342/FUL, dated 7 May 2016, was refused by notice dated 4 July 2016.
 - The development proposed a redevelopment to provide six, two bedroom apartments over two retail units in a four storey building.
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Decision

1. The appeal is allowed and planning permission is granted for a redevelopment to provide six, two bedroom apartments over two retail units in a four storey building at Meadows, Greenford Road, Sutton SM1 1JY in accordance with the terms of the application, Ref B2016/74342/FUL, dated 7 May 2016, subject to the conditions set out in the schedule to this decision.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site is located on the northern fringes of Sutton town centre and comprises an assortment of buildings and service yard accessed directly from Greenford Road, a short street linking the town centre to St Nicholas Way. The existing structures particularly the main two-storey, flat-roof building are somewhat utilitarian in appearance and of little aesthetic merit.
 4. The immediate area contains a mix of commercial/residential properties with considerable variety in terms of the height and style of buildings such that there is not a characteristically uniform grain of development in the vicinity. The appeal site is flanked by a pair of traditional, 2-storey semi-detached dwellings to the west and by the rears of those 3-storey buildings fronting High Street to the east. Immediately opposite, is the vast Saint Nicholas Shopping Centre which rises to approximately 7-storeys in height. To the rear (north) is a multi-storey car park to Asda. To my mind, whilst none of these buildings set a precedent for the proposed development, they are nonetheless an intrinsic part of the urban fabric and provide part of the context of the site.
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5. The development would take the form of a single 4-storey building containing 6 flats on the upper floors and retail units at ground floor level. Height and mass aside, The Council raises no objection to the detailed design or appearance of the development including the materials.
6. It is germane that planning permission was granted in May 2015¹ for a 4-storey development consisting of 2 retail units at ground floor and five 2-bedroomed flats on the upper floors. Being of comparable height and footprint, the Council accept that this scheme is '*similar*' to the one before me.
7. The Council argue that the development would appear over-dominant and incongruous in the street scene and would create a sharp contrast with the semi-detached dwellings to the west. However having carefully compared the submitted elevations with those approved in May 2015, I have some difficulty in understanding the Council's position. Whilst, I accept there would be an increase to the bulk and mass of the building, the increase would be contained within the approved height and footprint and would be modest. The Council's evidence does not adequately explain how it arrived at the view that the scheme would cause unacceptable harm to the character of the area. Moreover, there is no appreciation of the taller buildings to the north and south. Given the scale of these buildings, I suspect that for most the notion that the proposed 4-storey building would appear over-dominant is difficult to fathom.
8. The facade would be constructed in a combination of white render and cedar cladding. The use of contrasting materials, recessive elements and symmetrical fenestration patterns would all help to provide articulation to the front elevation and break up its mass. The result would be a good mannered building with considerable presence which would add visual interest to the varied and robust nature of Greenford Road. Given the scale of surrounding development I find there is no danger of the building appearing incongruous or overly dominant.
9. I accept that the building would be of a greater scale than the adjacent semi-detached properties. However, one has to accept that a degree of contrast is almost inevitable in areas such as this where residential properties are located in close proximity to a built-up town centre. It would appear that the Council previously accepted as such when granting permission for the shopping centre. In my view, given the unsightly nature of the site, the scheme would have a positive effect on neighbouring buildings, the Greenford Road street scene and the wider area more generally.
10. For the reasons given above, I conclude that the development would not cause harm to the character and appearance of the area. It would thus accord with Policies DM1 and DM3 of the Council's "*Site Development Policies DPD*", Policies BP12 and PMP2 of the "*Core Planning Strategy 2009*", the "*Supplementary Planning Document 14: Creating Locally Distinctive Places*" and Policies 7.4 and 7.6 of "*The London Plan*". Collectively these seek good quality design that has regard to the form, function and structure of an area as well as the scale, mass and orientation of surrounding buildings. Finally, the development would accord with the "*National Planning Policy Framework*" in terms of ensuring that development responds to local character, reflects its surroundings and adds to the overall quality of the area.

¹ LPA Ref: B2013/68373/FUL

Conditions

11. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance (PPG). In some instances I have amended the conditions provided by the Council in the interests of brevity and to ensure compliance with the PPG.
12. I have imposed the standard implementation condition as well as a condition to ensure that the development is carried out in accordance with the approved plans, as these provide certainty. Conditions relating to external facing materials and boundary treatments are necessary to ensure the satisfactory appearance of the development. Those conditions relating to water meters, sustainable drainage, energy efficiency and cycle parking are required to comply with the Development Plan's sustainability objectives.
13. Conditions relating to a Construction Method Statement, A1 opening hours and privacy screens are necessary to safeguard the living conditions of neighbouring occupiers. Conditions relating to a scheme of archaeological investigation are necessary to safeguard any archaeological assets that may be present.
14. I am not persuaded that any further landscaping over and above that shown on the approved plans is necessary and have omitted this condition accordingly. The bin storage areas are also shown on the approved plans and therefore captured by the plans condition.

Conclusion

15. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should succeed.

D. M. Young

Inspector

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 216/234/01 Rev A and 216/234/02 Rev A.
- 3) No work on the superstructure of the development hereby permitted shall take place until details of the materials to be used in the construction of the external surfaces have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details, which shall not be removed from the site until completion of the development.
- 4) Prior to the installation of any boundary treatments including walls and fences, full details including drawings, shall be submitted to, and approved in writing by the Local Planning Authority prior to the first occupation of the dwellings. The development shall thereafter be carried out in accordance with the approved details.
- 5) No work on the superstructure of the development hereby permitted shall take place until an Energy Statement including 'as designed' BRUKL outputs prepared under the Standard Assessment Procedure (SAP), has been submitted to the Local Planning Authority and approved in writing which demonstrates how the dwelling will apply the Mayor's energy hierarchy (use less energy, supply energy efficiently and use renewable energy) to secure at least a 19% reduction in CO 2 emissions below the 'notional' dwelling emission rate (DER) based on Part L1B of the 2013 Building Regulations and seek to achieve at least a 10% reduction in total CO 2 emissions (regulated and unregulated) through on-site renewable energy generation.
- 6) Prior to first occupation of the development, as-built BRUKL outputs prepared under the Standard Assessment Procedure (SAP) shall be submitted to the Local Planning Authority and approved in writing to demonstrate that the development has been carried out in accordance with the approved details. If the development is unable to meet the required 19% reduction in CO 2 emissions through the approved energy strategy, then any shortfall should be made up through the application of further sustainability measures unless otherwise approved by the Local Planning Authority in writing.
- 7) No work on the superstructure of the development hereby permitted shall take place until a scheme for the management of surface water run-off has been submitted to the Local Planning Authority and approved in writing which identifies appropriate site drainage and flood risk management measures, including SuDS, in order to manage surface water run-off as close to its source as possible in accordance with the Mayor's drainage hierarchy. The proposed scheme should ensure that the peak run-off rate for the 1 in 100 year 6-hour rainfall event (plus climate change) will be as close as reasonably practicable to and no more than 3 times the calculated greenfield run-off rate for the same event, and ensure a minimum discharge rate of 5 litres per second per outfall.

- 8) Prior to first occupation of the flats, written confirmation that the approved site drainage and flood risk management measures, including SuDS, have been implemented as part of the development as built must be submitted to the Local Planning Authority and approved in writing. Where different from the approved details, further evidence must be provided to show that the peak run-off rate for the 1 in 100 year 6-hour rainfall event (plus climate change) will be as close as reasonably practicable to and no more than 3 times the calculated greenfield run-off rate for the same event, and ensure a minimum discharge rate of 5 litres per second per outfall. All the measures implemented shall be retained for as long as the development is in existence.
- 9) Prior to first occupation of the flats, a completed Water Efficiency Calculator for New Dwellings must be submitted to the Local Planning Authority and approved in writing to show that internal potable water consumption will be limited to 110 litres per person per day (l/p/d) based on the Government's national calculation method for water efficiency for the purpose of Part G of the Building Regulations. The Water Efficiency Calculator should be accompanied by details of the location and type of all appliances or fittings that use water, the capacity or flow rate of any equipment and any rainwater or greywater collection systems incorporated as part of the development.
- 10) No development shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions - and [if indicated by the Desk Top Study submitted with the application]:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 11) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 10.
- 12) Notwithstanding the details hereby approved and prior to the occupation of the development, privacy screens to a minimum height of 1.7 metres shall be installed along the side elevations of all of the balconies serving the development. The approved privacy screens shall thereafter be retained for the duration of the development.
- 13) 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 Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;

- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) wheel washing facilities;
- v) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 14) The development shall not be occupied until space has been laid out within the site in accordance with the approved plans for secure cycle parking. The cycle parking area shall be used and permanently retained exclusively for its designated purpose.
- 15) The commercial A1 units shall not be open for customers outside the following hours:-
 - 07.00 to 21.00 on Monday to Saturday; and
 - 08:00 to 18:00 on Sundays and Bank Holidays.