The Planning Inspectorate

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: 5 December 2016

Appeal Ref: APP/P5870/W/16/3154402
21 Selwood Road, Sutton, SM3 9JU.

- 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 Derek Asamoah against the decision of the Council of the London Borough of Sutton.
- The application Ref A2016/74031/FUL, dated 23 March 2016, was refused by notice dated 28 June 2016.
- The development proposed is the conversion of the existing building, including the side extension under construction to 2 self-contained flats

Decision

1. The appeal is allowed and planning permission is granted for the conversion of the existing building, including the side extension under construction to 2 self-contained flats at 21 Selwood Road, Sutton, SM3 9JU in accordance with the terms of the application, Ref A2016/74031/FUL, dated 23 March 2016, subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. Planning permission was granted for a part one, part two storey extension in November 2015[1]. The plans pertaining to that scheme have been submitted with the appellant's evidence. At the time of my site visit it was evident that work has already commenced in relation to this scheme. The appeal scheme in this case seeks to sub-divided to the property into one, 1-bedroom flat and one 2-bedroom flat.

Main Issue

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

Reasons

4. The appeal property is a two storey, semi-detached property located on the southern side of Selwood Road. The surrounding area is residential in nature and characterised by pairs of semi-detached properties arranged along mainly straight, parallel streets. Although there is some variation in house design and facing materials, the area retains a broadly homogenous character with groups of buildings of similar scale and a generally common relationship with the street. Its distinctiveness as an area has however been vitiated by both the widespread loss of front gardens to paved parking areas and the prevalence of

[1] LPA Ref: 15/72806/HHA

front and side additions which generally lack a coherent architectural approach. As a consequence, the area is not particularly notable or sensitive in architectural or streetscape terms.

5. Against this background, I have some difficulty in understanding the Council's position. The appellant's Statement of Case contains a comparison of the appeal scheme against that consented in November 2015. Save for the addition of a side gate and the relocation of the ground floor window, the appearance of the development from Selwood Road would be the same as that already approved.

6. With that in mind and with cognisance to the unremarkable nature of Selwood Road, I have no hesitation in concurring with the appellant that the design changes would have little overall effect on the character and appearance of the area and would certainly fall a long way short of causing harm. Accordingly, there would be no conflict with Policies DM1 and DM3 of the Council's "*Site Development Policies DPD*" which, amongst other things, seek good quality design that has regard to the form, function and structure of an area.

Other Matters

7. The Council's Appeal Statement alleges that the side access is intended to serve the outbuilding in the rear garden. However, this is outside the scope of the appeal scheme and not therefore a matter for me to consider. In any event, the Council points out, the conversion of this building to habitable accommodation would require planning permission in its own right. As such, my determination of this appeal under s78 does not affect any subsequent decision the Council may take in relation to the outbuilding.

Conditions

8. 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.

9. 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 this provides certainty. A condition relating to external facing materials is necessary to ensure the satisfactory appearance of the development. A condition imposing restrictions on working hours during the construction period is necessary to safeguard the living conditions of local residents. To prevent on-street parking a condition relating to the provision of 2 off-street parking spaces is necessary in the interest of highway safety. Those conditions relating to water meters, sustainable drainage and energy efficiency, are required to comply with Development Plan policies which aim to secure sound planning objectives in those areas.

10. The bin storage area is shown on the approved plans and therefore captured by the plans condition. A separate condition is therefore unnecessary. Paragraph 200 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. On that basis, I am not convinced the Council's scant reasoning for a condition preventing the use of the property as a HMO is sufficiently robust.

Conclusion

11. 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: AS.4P.001 A, AS.4P.002, AS.4P.003 B and AS.4P.004 A

3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall be similar to those of the original building unless otherwise agreed in writing with the local planning authority.

4) Construction works shall take place only between 0800 and 1800 hours on Monday to Friday and between 0800 and 1300 on a Saturday and not at any time on Sundays or on Bank or Public Holidays.

5) Prior to first occupation of either flat, 2 off-street parking spaces shall be provided within the site. Once provided the spaces shall thereafter be retained.

6) 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.

7) Prior to first occupation of the dwelling, 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.

8) 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.

9) Prior to first occupation of the dwellings, 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.

10) Prior to first occupation of the dwellings, 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.