
Appeal Decision

Site visit made on 12 December 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: 11th January 2017

Appeal Ref: APP/P5870/W/16/3154489

Haredon House, 810 London Road, North Cheam, Sutton SM3 9BJ.

- 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 Haredon Investments Limited against the decision of the Council of the London Borough of Sutton.
 - The application Ref A2015/72349/FUL, dated 16 July 2015, was refused by notice dated 4 April 2016.
 - The development proposed is a change of use of the first floor, formation of a new basement storey, construction of a 2 storey front extension at ground and first floor levels and construction of a 2 storey extension at fourth and fifth floor levels above the existing building to create 65 new residential units comprising of 2 x studio units, 9 x 1 bed, 37 x 2 bed and 17 x 3 bed units, including car parking, cycle parking, refuse accommodation and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of the first floor, formation of a new basement storey, construction of a 2 storey front extension at ground and first floor levels and construction of a 2 storey extension at fourth and fifth floor levels above the existing building to create 65 new residential units comprising of 2 x studio units, 9 x 1 bed, 37 x 2 bed and 17 x 3 bed units, including car parking, cycle parking, refuse accommodation and landscaping at Haredon House, 810 London Road, North Cheam, Sutton SM3 9BJ in accordance with the terms of the application, Ref A2015/72349/FUL, dated 16 July 2015, subject to the conditions set out in the schedule to this decision.

Main Issues

2. The main issues are, firstly, the effect of the development upon the character and appearance of the area and, secondly, the living conditions of neighbouring occupiers with particular regards to outlook and noise.

Reasons

Character and appearance

3. The appeal property is a large 4-storey, red brick 1960s office building located on the south side of London Road. The building is set back generously from the roadside behind a projecting single storey retail unit currently occupied by Topps Tiles, a small car park and a band of landscaping that extends to the Gander Green Lane junction. Its height and length coupled with a regimented

fenestration pattern produces a utilitarian building which contributes little to the character and appearance of the locality.

4. The immediate area is predominantly a mixed commercial/residential area with considerable variety in terms of the height, age and style of buildings. Flatted and commercial properties tend to prevail along London Road with domestic scale properties to the residential streets behind. Opposite the site is a 4-storey flatted development known as the "Printworks Apartments" whilst to the north there is a parade of shops with residential accommodation above. To the south and east are dwellings which tend to be 2-storeys in height. Whilst not unattractive, I do not find anything particularly sensitive about the area.
5. The proposal would result in a complete remodelling of the building to provide 65 residential flats. Two additional storeys would be added with the top floor being recessed from the edges of the buildings and constructed primarily in glass. The basement, ground and first floor levels would be extended across the majority of the front elevation.
6. The Council raises no particular objection to the detailed design and appearance of the development including the materials. Instead, the Council's concern is centred upon the height and mass of the building which it is argued would dwarf surrounding buildings and appear prominent in the street scene. I accept the building would be of a greater height than its neighbours. However it would be of a similar height to the Printworks building opposite. There would be ample separation to the smaller dwellings to the rear and given the recessive nature of the top floor and the set back of the building from London Road, I am not persuaded the relationship with the 3-storey terrace to the north could reasonably be described as harmful.
7. The glazed nature of the top storey and the use of contrasting materials would provide articulation to the front elevation and help to break up the mass of the existing structure. Moreover, one also 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 high street. Indeed, I noted numerous other examples in the area where multi-storey buildings sit aside more modest residential properties.
8. Whilst the design of the front extension and the glazed top storey would be at odds with that of the existing building, the intention of the scheme is clearly to provide a degree of contrast between the old and new elements. In this respect, I consider the proposal would be a welcome addition, adding interest to a building which otherwise lacks architectural subtlety. Whilst the facade of the building might lack the coherency of the Printworks building opposite, it would be well meaning and introduce a new and distinct element to the street scene. The bulk and mass of the building would be seen primarily in the context of the Printworks building opposite. Taking all these factors into account, in my view the character and appearance of the area is sufficiently robust to accommodate the proposed changes to the building without causing unacceptable harm.
9. On the first main issue I therefore conclude that the proposed development would not cause unacceptable harm to the character and appearance of the area. There would thus be no conflict with Policies DM1 and DM3 of the Council's "Site Development Policies DPD" (the DPD), Policies BP12 and PMP2 of the "Core Planning Strategy 2009", the "Supplementary Planning Document

14: Creating Locally Distinctive Places” and Policies 3.4, 7.4, 7.6 and 7.7 of *“The London Plan”* (the LP). Collectively these seek to optimise housing potential and good quality design that has regard to the form, function, and structure of an area. Finally, there would be no conflict 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.

Living conditions

10. There is little evidence, technical or otherwise, before me which explains how the Council arrived at the view that additional car movements would cause unacceptable noise and disturbance to neighbouring occupiers.
11. When I visited the site, I saw that there are parking spaces marked out along the boundary with 16-26 Westbourne Avenue and therefore this suggests that car parking and manoeuvring has taken place in this part of the site historically. The residential area to the rear of the appeal site although not visible directly from London Road is nonetheless close enough for background traffic noise to be clearly audible. Consequently, occupiers of neighbouring properties cannot reasonably be said to enjoy a high degree of peace or tranquillity.
12. Whilst I accept there might well be an increase in vehicular movements to/from the site I am not persuaded that this would be at a level that would be perceptible to neighbouring occupiers. Although the hydraulic lift stacking system could in theory increase levels of noise the supporting literature describes the system as “extremely quiet” and it is pertinent that there was no objection to the application from the Council’s Environmental Health Officer. Consequently, there is nothing that leads me to conclude that the parking arrangements would cause unacceptable levels of noise.
13. On account of the amount of separation, orientation and lack of main habitable room windows in the gable ends of the nearest residential properties, there would be no unacceptable loss of outlook. Based on the foregoing, I conclude that the development would not cause unacceptable harm to the living conditions of neighbouring occupiers with particular regards to outlook and noise disturbance. Accordingly, there would be no conflict with Policy DM2 of the DPD and part (d) of Policy 7.6 of the LP which, amongst other things, seeks to ensure new development does not cause unacceptable harm to the amenities of those currently occupying adjoining or nearby properties.

Other Matters

14. Local residents have expressed a wide range of concerns including but not limited to the following; loss of privacy, increased pollution, the encouragement of vermin and the effect on trees. However, the proposal was carefully considered by the Council at the application stage and no such concerns have been raised. Whilst I understand the concerns of local residents, there is no compelling evidence before me which would lead me to conclude differently to the Council on these matters.
15. Although highway safety and traffic congestion is clearly a concern for a number of local residents, it did not form part of the Council’s refusal reasoning. It is germane that there has been no formal objection from the

Council's Highway Engineer or Transport for London on the basis that there would not be a significant net increase in traffic bearing in mind the existing/previous use of the building. The development would utilise an existing access and occupies a sustainable location adjacent to a busy public transport corridor with shops and services all within convenient walking distance. Appropriate provision would be made within the site for car and cycle parking. As a result, there is no sound basis on which to conclude that the development would pose a threat to highway safety or increase congestion.

16. The safety of existing and future construction activities would fall within the remit of separate Health and Safety legislation and therefore this is not a matter to which I can attribute any degree of weight.

Conditions

17. The Council has referred me to those conditions contained in the Committee Report. I have considered these 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.
18. 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. A condition relating to external facing materials is necessary to ensure the satisfactory appearance of the development. A Construction Method Statement including restrictions on working hours during the construction period is necessary to safeguard the living conditions of local residents. A condition relating to off-street car parking is necessary to ensure the development does not lead to on-street parking on the surrounding residential streets. Those conditions relating to water meters, sustainable drainage and energy efficiency are required to comply with Development Plan sustainability objectives. A revised tree protection plan is necessary to safeguard those trees across the site frontage. A programme of archaeological work is necessary to protect any assets that might be present.
19. It is not clear why a condition relating to the management of the parking spaces is necessary, I have therefore omitted the Council's suggested condition 7. Cycle parking together with pedestrian routes are shown on the approved plans and therefore captured by my condition 2. The suggested condition regarding the establishment of an on-site car club is onerous and the justification given by the Council is scant. In my view the size of the development is insufficient to reach the critical mass necessary for a self-sufficient on-site car club. Consequently I have omitted the condition as it does not meet the relevant tests in the PPG.
20. I have considered carefully the Council's suggested condition regarding the provision of transport information in relation to non-car modes of transport. However, the submitted Travel Plan commits to providing new residents with a 'Green Travel' promotional pack with details of nearby bus routes, cycle routes, car club locations and suggested safe walk/cycle routes to local schools. In my view bearing in mind the scale of the development and the proximity of public transport, this would be a proportional requirement for the encouragement of non-car modes of transport. I have therefore amended the Council's suggested condition to ensure those measures outlined in the Travel Plan are implemented prior to first occupation.

21. The Construction Method Statement covers the routing of construction traffic and therefore a separate condition is unnecessary. Given the existing use of the site and the orientation of neighbouring properties to the development, I am not persuaded on the evidence before me that conditions relating to an acoustic fence or external lighting are necessary to make the development acceptable. I have therefore omitted the Council's conditions 17 & 19. Refuse facilities and landscaping improvements are both shown on the approved site plan. The Council do not suggest these details are unacceptable. Separate conditions are therefore unnecessary as these details are captured by the plans condition. Although the conditions relating to 'Secured by Design' and sound proofing measures are laudable, the justification for these conditions is minimal and in the case of the sound reduction measures, the cited Development Plan policy has not been submitted with the appeal documentation. Advice in the PPG is clear that it is not sufficient that a condition relates to planning objectives: it must also be justified by the nature or impact of the development being permitted. Consequently, I am not persuaded that the development would be unacceptable without these conditions.
22. An Ecological Mitigation and Enhancement Plan which makes various recommendations was submitted with the application. There is nothing to suggest the Council has any concerns with the report and therefore I have reworded suggested condition 25. The Council has not made a compelling case for a condition relating to domestic boilers. These details would ordinarily be dealt with under the Building Regulations and I am unaware of a Development Plan policy that specifically requires the higher specification sought by the Council. A land contamination report was submitted with the application and identified that only the north-east section of the site has the potential for contamination. However this area is to remain covered by hardstanding. As such and in the absence of any specific justification, I do not consider the suggested land contamination conditions are necessary. Finally, the suggested condition requiring the submission of an air quality impact assessment is vague and unnecessary. There is no detailed justification for such a condition and it is not clear what measures might be required by the appellant as part of any scheme. I have omitted it accordingly.

Conclusion

23. 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: 2424/P/501 Rev A, 2424/P/502 Rev B, 2424/P/503 Rev B, 2424/P/505 Rev A, 2424/P/506 Rev A, 2424/P/507 Rev A, 2424/P/508 Rev A, 2424/P/509, 2424/P/510, 2424/P/511, 2424/P/512 and 2424-L-01.
- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted 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) The development shall not be occupied until the 63 parking spaces shown on the approved plans have been provided. In accordance with The London Plan, at least 13 (20%) of these bays are to be provided with electric vehicle charging points. The parking once provided shall thereafter be retained.
- 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) storage of plant and materials used in constructing the development
 - c) the erection and maintenance of security hoarding where appropriate
 - d) measures to control the emission of dust and dirt during construction
 - e) measures to prevent mud being deposited on the public highway
 - f) means to control dust
 - g) hours of construction
 - h) routing of construction traffic
- 6) Prior to building work starting on site, an Energy Statement incorporating 'as-designed' BRUKL outputs prepared under the Standard Assessment Procedure (SAP) must be submitted to the Local Planning Authority and approved in writing which demonstrates how the development will apply the Mayor's energy hierarchy (use less energy, supply energy efficiently and use renewable energy) to secure at least a 40% reduction in CO2 emissions below the target emission rate (TER) based on Parts L1A and L1B of the 2010 Building Regulations (or equivalent reduction compared to Parts L1A and L1B 2013) and seek to achieve a 20% reduction in total emissions (regulated and unregulated) through on-site renewable energy generation.
- 7) Prior to occupation, 'as-built' BRUKL outputs prepared under the Standard Assessment Procedure (SAP) should 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 reductions in CO₂ 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) Prior to building work starting on site, a detailed scheme for the management of surface water run-off must be 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 line with the Mayor's drainage hierarchy contained in London Plan Policy 5.12. The submitted site drainage/SuDS scheme should:
 - i. provide details of the design storm period and intensity, proposed SuDS measures to delay (attenuate) and control the rate of surface water discharged from the site and proposed measures to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. provide calculations carried out by an appropriately qualified professional to show that peak run-off rates for the 1 in 100 year 6-hour storm event (plus 30% for climate change) will be as close to the calculated greenfield runoff rate as possible for the same event, and will ensure a minimum discharge rate of 5 litres per second per outfall;
 - iii. include a timetable for its implementation; and
 - iv. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 9) Prior to building work starting on site, a completed Water Efficiency Calculator for the flats must be submitted to the Local Planning Authority and approved in writing to show that internal potable water consumption for each of the dwellings will be limited to no more than 90 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 proposed as part of the development thereafter.
- 10) Prior to the commencement of development, a revised tree protection plan and method statement shall be submitted to and approved in writing by the Local Planning Authority. The submissions shall be in accordance with the guidelines and recommendations in British Standard BS 5837:2012 '*Trees in Relation to Design, Demolition and Construction – Recommendations*' and shall offer full protection to retained trees in accordance with those standards. The submissions shall pay particular attention to the use of temporary ground protection measures and the effects of basement level construction within the root protection areas to ensure viable, long-term retention of retained trees. Any submissions for

cellular confinement systems shall be accompanied by a detailed topographical survey. These details shall be submitted prior to the commencement of works or the storage of plant or materials on site.

- 11) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.
- 12) Prior to first occupation of any flat the measures set out in the Travel Plan dated July 2015 Ref: 150639/TO/KTP/01 Rec C shall be implemented in full.
- 13) Prior to first occupation of any flat the measures set out in the Arbtech Ecological Mitigation and Enhancement Plan dated May 2015 shall be implemented in full.