The Planning Inspectorate

Appeal Decision

Site visit made on 24 January 2017

by S J Papworth DipArch(Glos) RIBA

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

Decision date: 3 February 2017

Appeal Ref: APP/P5870/W/16/3161271
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 Mrs E Asamoah against the decision of the Council of the London Borough of Sutton.
- The application Ref A2016/74818/FUL, dated 2 July 2016, was refused by notice dated 11 October 2016.
- The development proposed is the erection of a part one part two storey side and rear extension and conversion of dwelling into one 1-bedroomed and one 2-bedroomed self-contained flat. Alterations to the front elevation, provision of cycle and refuse stores and retention of one car parking space.

Decision

1. I allow the appeal and grant planning permission for the erection of a part one part two storey side and rear extension and conversion of dwelling into one 1-bedroomed and one 2-bedroomed self-contained flat. Alterations to the front elevation, provision of cycle and refuse stores and retention of one car parking space at 21 Selwood Road, Sutton SM3 9JU in accordance with the terms of the application, Ref A2016/74818/FUL, dated 2 July 2016, subject to conditions 1) to 12) on the attached schedule.

Application for Costs

2. An application for costs was made by Mrs E Asamoah against the Council of the London Borough of Sutton. This application is the subject of a separate Decision.

Reasons

3. The main issue is the effect of the proposed conversion of the dwelling to two self-contained flats on the character of the area. The Council's submission to the appeal contains the statement *'Due to the decision of appeal reference APP/P5870/W/16/3147752 which was allowed, the Council has taken the view not to contest the appeal, as the principle of the development has been established.'* That appeal Decision, dated 20 July 2016 was in fact dismissed, as the Inspector reasoned that the physical works of the proposal before him would have a harmful effect on the character and appearance of the dwelling and the surrounding area. The Inspector found that scheme would be far more harmful in those terms than the alternative proposals. One of those alternative proposals was a permission granted on 27 November as referred to in the appellant's description of development on the current application form, which was *'the conversion of the existing property to form 1no 1 bedroom and 1no 2*

bedroom self-contained flats involving alterations to previously approved application A2015/72806/HHA and cycle and refuse stores.' From the foregoing it is clear that the physical works that are the subject of the present appeal remain capable of being carried out by reason of the 2015 permission. From observations at the site inspection, there would be no valid reason to find against the physical works proposed, much of which were well advanced at that time.

4. As to the principle of conversion, it is the case that the Inspector writing in summer 2016 was responding to two reasons for refusal on the application reference A2016/73524/FUL, one being the effect of the physical works on the character and appearance of the area, as referred to above, and one on the perceived increase in parking demand from the conversion, which he concluded would not cause harm. There did not appear then to be a reason for refusal in principle, nor in the terms now alleged, and in the absence of an 'in principle' objection from the Council, his approach appears entirely appropriate.

5. In the knowledge of residents' objections to the current application, it is stated now that the proposed conversion would not cause harm to the character of the area or to the availability of parking, having mind to the benefits of providing an additional unit of accommodation in line with London Plan policies on increasing the supply of housing and optimising housing potential. The proposal would accord with Policies DM1 of the Site Development Policies Development Plan Document and Policy PMP2 of the adopted Core Planning Strategy on respecting the character and design of the area, and maintaining the quality of the Borough's environment. With regard to the specific conversion Policy DM24, the proposal would have no adverse effect on the amenities of neighbouring residents; not detract from the character and appearance of the area; would be of acceptable size and layout; and would not adversely affect on-street parking.

Conditions

6. The Council has suggested conditions controlling materials, hours of building works, parking, refuse storage, energy use, surface water run-off and drainage, and water efficiency. These are necessary and reasonable to ensure the quality of the development and to ensure no unreasonable adverse effects during construction. It is reasonable also to restrict any further conversion or use as a house in multiple occupation without permission. Lastly a condition is required naming the drawings, because otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans as this provides certainty.

Conclusions

7. Having mind to the previous grant of planning permission and an Inspector's Decision in 2016, together with the nature of the Council's objection at that time, there is no 'in-principle' reason to withhold permission now and the effects of the conversion on the character of the area would be acceptable and in line with Development Plan policies. For the reasons given above it is concluded that the appeal should be allowed.

S J Papworth

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.5P.001, AS.5P.002, AS.5P.003B, AS.5P.004A, and Design and Access Statement.

3) All external facing materials, treatments and finishes shall be similar to those of the original building. Where this is not possible the type and treatment of the materials to be used shall be agreed in writing by the Local Planning Authority prior to the development being carried out.

4) All building operations in connection with the construction of external walls, roof, and foundations; demolition or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 0800 and 1800 Monday to Friday, and between 0800 and 1300 on Saturdays and not at all on Sundays, Public and Bank Holidays.

5) The development shall not be occupied until space has been laid out within the site in accordance with the approved plan AS.5P.03B for a car to be parked. The parking area shall be used and permanently retained exclusively for its designated purpose.

6) The development hereby permitted shall not be occupied until refuse storage facilities have been provided in accordance with the approved plans. The storage provision shall thereafter be kept for the use of the occupants of the development hereby approved.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no part of the buildings shall be used as a house in multiple occupation without planning permission from the local planning authority.

8) Prior to building work starting on site, an Energy Statement including '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 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.

9) 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.

10) Prior to building work starting on site, a scheme for the management of surface water runoff 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 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.

11) 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.

12) 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.