
Appeal Decision

Site visit made on 9 May 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 18 May 2017

Appeal Ref: APP/P5870/W/17/3167230
232 High Street, Sutton SM1 1NT

- 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 HH Sutton Ltd. against the decision of the Council of the London Borough of Sutton.
 - The application Ref B2016/75319/FUL, dated 6 September 2016, was refused by notice dated 2 November 2016.
 - The development proposed is a fourth floor roof extension to accommodate 2 no. apartments.
-

Decision

1. The appeal is allowed and planning permission is granted for a fourth floor roof extension to accommodate 2 no. apartments at 232 High Street, Sutton SM1 1NT, in accordance with the terms of the application, B2016/75319/FUL, dated 6 September 2016, subject to the conditions set out in the Schedule attached to this decision.

Preliminary matters

2. The Council's decision notice refers to drawing number 15.1098.009, which I have not seen and is not listed by the appellant as being submitted with the application. I have not therefore listed this drawing in Condition 2.
3. As part of the appeal the appellant has submitted amended plans¹ intended to rectify an error relating to the datum level shown on the drawings considered at application stage. The appellant has confirmed that the development itself remains unchanged. The scheme is therefore that which was considered by the Council and on which interested people's views were sought. I am therefore satisfied that in applying the 'Wheatcroft Principles', I am able to accept the amended plans and determine the appeal on the basis of the same.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host building and the surrounding area.

Reasons

5. The appeal property is located in the High Street of Sutton town centre. It is a four storey building with a ground floor commercial use and residential above.

¹ Drawing numbers: 15.1097.016 Rev E; 15.1097.017 Rev E; 15.10.97.018 Rev E and 15.1097.019 Rev E.

6. The preamble to Core Planning Strategy (CPS) Core Policy BP13 explains that taller buildings are considered to be those above three storeys. Therefore, at four storeys, the existing building falls within this categorisation. The preamble also states that taller buildings are those that are significantly above surrounding developments and/or noticeably change the skyline.
7. In this case, the flanking scale on this eastern side of the High Street is three storeys with additional accommodation within the roof. Although, the proposed west elevation demonstrates that the additional floor would result in the building being taller than the neighbouring buildings to the north and south, the difference would not be significant. Moreover, the extension would be set well back from the front of the building and in from the sides such that it would not be a prominent addition to the street scene. It would not therefore materially change the skyline from the High Street or affect human scale, which in any case has already been largely lost by the scale of the Asda store.
8. I appreciate that the site does not fall within the area of taller building potential identified by Core Policy BP13, but neither does the High Street frontage to the Asda store which directly faces the appeal site, which is so substantial in its scale and massing that it visually dominates this part of the town centre. This building would remain significantly taller than the enlarged appeal building. In contrast, the difference in height between the appeal building and its neighbours on either side would be relatively modest.
9. The proposed roof extension would be clearly seen in views from the rear of the site, which backs onto Elm Grove. However, the roof extension would be compatible and respectful to the existing building, in terms of its design and use of materials, as well as that of the surrounding area, where there is variety of to the design of the buildings. It would not therefore appear as an incongruous addition.
10. The proposal would also be viewed in the context of the rear 'back of house' elevations of the commercial properties on High Street, which in my view is not sensitive to the nature of the change proposed. Moreover, the skyline of the appeal building is already compromised by the existing lift overrun, which would be about the same height as the proposed roof extension.
11. I acknowledge that the eastern side of Elm Grove is domestic in its scale and character. However, the proposed roof extension would be set back from the main rear elevation of the building, thereby minimising its overall scale and bulk from the public realm. The closest residential dwellings on the opposite side of the road are also orientated to the north and south and therefore away from the appeal building.
12. I therefore conclude that the proposed development would not be harmful to the character and appearance of the host building or the surrounding area and as such would not result in conflict with Core Planning Policies BP12 or BP13 or Policy DM1 of the Site Development Policies DPD. These seek, amongst other matters, to ensure that development respects the local context and distinctive local character.

Other matters

13. In accordance with paragraph 47 of the Framework, the proposal would increase housing supply.

14. I acknowledge that no parking provision would be provided, however, I do not envisage that the addition of two flats in a sustainable central location would unduly exacerbate any car parking issues in Elm Grove.
15. Given the flats that already exist in the three floors below, the proposal would not materially increase levels of overlooking. I accept that residents may be inconvenienced during construction, however, this is an inevitable short term matter, which can be mitigated by a construction logistics plan.

Conditions

16. I have had regard to the conditions that have been suggested by the Council. In addition to the standard condition that limits the lifespan of the planning permission, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning.
17. A condition relating to finishing materials is necessary to ensure satisfactory assimilation of the additional floor. Conditions requiring agreement of an energy statement and a construction logistics plan are necessary to comply with Policy DM6 of Sutton's Site Development Policies DPD and for highway matters and to avoid undue disturbance to local residents. Having regard to the nature of the development, it is appropriate that these are pre-commencement conditions.
18. To ensure compliance with DM9 of the Site Development Policies DPD, a condition relating water efficiency is necessary. A condition relating to secure cycle storage is necessary to encourage access by non-car modes. I am not though convinced that the exceptional circumstances envisaged by the PPG exist to withhold permitted development rights relating to multiple occupation.

Conclusion

19. For the reasons given above, and taking into account all other matters raised, I conclude the appeal should be allowed.

Richard S Jones

Inspector

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 15.1098.001; 15.1097.02; 15.1097.04; 15.1097.05; 15.1097.06; 15.1097.07; 15.1097.08; 15.1097.016 Rev E; 15.1097.017 Rev E; 15.1097.018 Rev E; 15.1097.019 Rev E; 15.1097.020; 15.1097.021; 15.1097.022 and 15.1097.022.

3. No development shall commence until samples of the materials to be used in the construction of the external surfaces of the roof extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample details.
4. Prior to the commencement of development, an Energy Statement shall be submitted to and approved in writing by the local planning authority. Prior to the occupation of the apartments, details demonstrating that the development has been carried out in accordance with the approved Energy Statement shall be submitted to and approved in writing by the local planning authority. If the development is unable to meet the agreed reduction in CO₂ emissions through the approved Energy Statement, then any shortfall should be made up through the application of further sustainability measures, unless otherwise approved by the local planning authority in writing.
5. Prior to occupations of the apartments, a completed Water Efficiency Calculator for New Dwellings shall be submitted to and approved in writing by the local planning authority 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.
6. No development shall take place until a Construction Logistics Plan which sets out details of how the construction of the development hereby permitted will be managed, has been submitted to and approved in writing by the local planning authority. The statement should include details of:
 - a) parking for vehicles of site personnel, operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials;
 - d) a programme of works (including measures for traffic management);
 - e) provision of boundary hoarding, behind any visibility zones;
 - f) construction traffic routing;
 - g) means to minimise dust pollution, air pollution and suppress noise and vibration in order to protect surrounding residential properties from any disturbance; and
 - h) means to prevent deposition of mud on the highway.

Construction works shall take place solely in accordance with the approved details.

7. Prior to occupation of the development hereby approved, three secure cycle storage spaces shall provided in accordance with details to be submitted to and approved by the local planning authority. The secure cycle spaces shall be permanently retained thereafter.