



Appeal Decision

Site visit made on 4 December 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 15 December 2017

Appeal Ref: APP/P5870/W/17/3180927
105 Central Road, Worcester Park KT4 8DY

- 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 Mountain against the decision of the Council of the London Borough of Sutton.
 - The application Ref A2017/76666/FUL dated 9 March 2017, was refused by notice dated 10 May 2017.
 - The development proposed is two new apartments to be created on an existing flat roof on an existing residential building.
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Decision

1. The appeal is allowed and planning permission is granted for two new apartments to be created on an existing flat roof on an existing residential building at 105 Central Road, Worcester Park KT4 8DY in accordance with the terms of the application, Ref A2017/76666/FUL, dated 9 March 2017, subject to the conditions in the schedule to this decision below.

Main Issue

2. The main issue in the appeal is the effect of the proposed development on the character and appearance of its surroundings.

Reasons

3. The appeal relates to a long building of two storeys which runs perpendicularly from the rear of Central Road. Solar panels and other paraphernalia are sited on the appeal building's roof, and are clearly visible from several vantage points. Car parks, the rears of commercial properties addressing Central Road, the contemporary aesthetic of the adjacent apartment building (Lotus House) and the library, houses and the superstore immediately inter-visible with the appeal property add a sense of eclecticism of style, use, materials and scale to the surrounding built environment.
4. The proposed development would introduce an additional storey on the appeal building's existing flat roof. The appeal scheme would be faced in brick to its rear, and in the lower elements of its other elevations, which would otherwise employ extensive aluminium framed glazing. There would be a substantial gap between the proposed extension and the principal roof of the appeal building that faces Central Road.

5. The proposed development's flat-roofed host building is characteristic of the utilitarian appearance of the rear of Central Road, along which structures of varying scales, and featuring extensive areas of blank walling have incrementally and cumulatively imparted a functional character to this part of the surroundings. It is these incremental developments, and rear elevations that would form the context for the available views of the proposed development from the environs of the Waitrose car-park, and as a result the increased scale of walling proposed in the elevations visible from these viewpoints would readily assimilate with the character of its surroundings.
6. In other views, whilst the proposed development would increase the scale of the appeal building it would do so predominantly in a lightweight materials palette, which would offer a contrast to the solidity of its existing elevations. Moreover, the glazed elevations of the appeal scheme would be recessed behind the host building's walls. These aspects of the appeal scheme's design taken together with its lower scale than, and separation from, Lotus House and the Central Road facing element of its host building, would all reduce the proposed development's prominence in the streetscene. Consequently, these matters, taken together, lead me to the view that the proposed development would not be an unduly bulky or dominant element and would not be injurious to the character and appearance of its host building or its wider surroundings.
7. In arriving at this view I have taken into account that Lotus House's upper storey is recessed, and that the proposed development would not be recessed to the same degree. Nevertheless for the above reasons, I consider that the lack of such a recess in this case would not lead to a dominant or bulky appearance.
8. I acknowledge that a previous proposal to extend the appeal building at roof level was dismissed at appeal¹, and I note the references to elements of the Inspector's decision in the Council's Officer Report. Whilst I have not been supplied with a full copy of that decision letter, the details that have been drawn to my attention make it clear that the design, materials palette and site coverage of the proposed development in this case are considerably different to those of the previously dismissed appeal, which related to a mansard extension abutting the appeal property's Central Road facing roof. Moreover, the development of Lotus House, immediately adjacent to the appeal property has added further eclecticism and scale to the surrounding built environment since the date of that previously dismissed appeal. Consequently, whilst I note the Council's references to the similarity in scales between the previously dismissed appeal scheme and the current proposal, the decision referred to me does not alter my conclusions in respect of the proposed development's lack of harmfulness in character and appearance terms.
9. The proposed development would not harm the character and appearance of its surroundings. As a result, I conclude that the appeal scheme would not conflict with Policy BP12 of the Sutton Core Planning Strategy (adopted December 2009); or Policies DM1 and DM3 of Sutton's Site Development Policies (adopted March 2012) (the Development Policies); or the guidance contained in Supplementary Planning Document 14: Creating Locally Distinctive Places- Sutton's Urban Design Guide (adopted January 2008). Taken together, and amongst other matters, these policies and guidance seek to ensure that

¹ APP/P5870/A/11/2149215

intensification of development is designed to the highest possible standard with minimal impact on the streetscene and character of the area, is respectful of local context, and is of a scale, massing and height that is appropriate to the setting of its site.

Conditions

10. In attaching conditions, I am mindful of the tests set out in paragraph 206 of the National Planning Policy Framework. This establishes that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. I have assessed the Council's list of suggested conditions on this basis, and where I have attached conditions I have in some instances amended their wording in the interests of clarity.
11. In the interests of certainty, I have attached a condition which specifies the approved plans. In the interests of the character and appearance of the proposed development, its host dwelling and surroundings I have attached a condition requiring the submission of samples of the materials to be employed in its external construction to the Council for its approval. This condition, of necessity, requires pre-commencement compliance to ensure that the appeal scheme is progressed in line with the approved details.
12. The Written Ministerial Statement Planning Update March 2015 (the WMS) sets out the national policy in relation to energy efficiency requirements of new dwellings. Policy DM6 of the Development Policies outlines the local approach to setting standards for climate change mitigation. Whilst Policy DM6 requires 'zero carbon' standards from 2016 onwards the WMS makes it clear that any standards over and above Level 4 of the Code for Sustainable Homes should not be required as a condition of planning permission. Consequently, I have amalgamated and amended the Council's suggested conditions relating to this matter to reflect the intentions of the WMS. The requirement set out in the conditions for an energy statement to be submitted to and approved by the Council prior to the commencement of development in this case is clearly necessary to ensure that the appeal scheme delivers the energy efficiency measures required by the development plan.
13. In addition to the policy on energy requirements, and amongst other matters, the WMS establishes national standards that can be applied to new dwellings. The WMS sets out that, in certain circumstances, additional optional standards for water efficiency over and above the minimum requirements set out within Part G of the Building Regulations, can be required by condition. However, Part G makes it clear that these optional standards do not apply to the class of material change of use identified by Regulation 5(g) of the Building Regulations which is where after the change "the building, which contains at least one dwelling, contains a greater or lesser number of dwellings than it did previously". In this case as the proposed development would introduce additional residential use in a property that already entails residential uses on another floor I consider that it would therefore fall within the definition given in Regulation 5(g) and consequently, the optional standards in Part G would not be applicable in this instance. Accordingly, I consider that it is not necessary to attach the Council's suggested condition requiring compliance with this optional water efficiency standard in this instance.

14. No parking provision is shown on the submitted plans, and as a consequence, it is not reasonable to attach the Council's suggested condition in relation to provision of parking in line with the approved plans. Whilst I note the comments of the local highway authority in respect of the moderate Public Transport Access Level of the appeal property, and the request for parking restrictions via a planning obligation, I am also aware that the appeal site is not within a controlled parking zone, and as a result the Council considered that such restrictions would be unnecessary in this case. Moreover, the proposed development would result in only a modest increase in residential occupancy at the site, and as a consequence I consider that it has not been demonstrated that it would create any undue pressure for parking. Consequently, the necessity of attaching any conditions in relation to the provision of car parking has not been established in this case.
15. The proposed development would include no new areas of external amenity space or landscaping, and would result in the removal of no trees. As a result, it is not necessary to attach conditions regarding the approval and delivery of landscaping proposals.
16. As sound insulation matters are covered by the Building Regulations, I consider that a condition requiring compliance with Approved Document E is unnecessary in this case, as it is a statutory requirement in any event.

Conclusion

17. The appeal scheme would not conflict with the development plan insofar as the above-referenced policies are concerned. Accordingly, for the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should succeed.

G J Fort

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: Location Plan-Drawing No. PL_001 Revision 00; Existing & Proposed Block Plan-Drawing No. PL_050 Revision 002; Proposed Plans-Drawing No. PL_100 Revision 02; Existing & Proposed Elevations-Drawing No. PL_200 Revision 02; Existing & Proposed Elevations-Drawing No. PL_201 Revision 02.
- 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development 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 samples.
- 4) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority an Energy Statement demonstrating how the dwellings hereby permitted will apply the Mayor's energy hierarchy to secure a reduction in CO₂ emissions commensurate with Code for Sustainable Homes Level 4. The dwellings hereby permitted shall not be occupied until details of their compliance with the approved Energy Statement have been submitted to and approved in writing by the local planning authority.