



Appeal Decision

Site visit made on 11 July 2019

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2019

Appeal Ref: APP/P5870/W/19/3228579

322 Gander Green Lane, North Cheam SM3 9QZ

- 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 Asif Zafa against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2018/02276, dated 24 December 2018, was refused by notice dated 18 March 2019.
 - The development proposed is described as 'conversion of existing dwelling to form two flats self-contained units, including the erection of a part one, part two storey side extension with roof lights, conversion of loft space involving alterations to existing roofline, a rear dormer extension with roof lights to the front elevation, cycle store, bin store and parking'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) the effect of the proposed development on the character and appearance of the area;
 - b) whether the proposal would contribute to providing an appropriate range of homes in the area; and
 - c) whether the proposed development would provide satisfactory living conditions for future occupants, with particular regard to the provision of internal space for flat 2.

Reasons

Character and appearance

3. The appeal site is located on Gander Green Lane which is a through residential street characterised by semi-detached properties set behind short front gardens. The appeal property is of a similar style to the majority of houses along this road, with rendered frontages and hipped roofs. The exception is the row of houses between the lane's junction with Hamilton Avenue and 320 Gander Green Lane, which are of a different design.
4. The proposed development seeks to extend the existing four-bedroom property to accommodate two self-contained flats. Planning permission has previously

- been granted for the replacement of the existing hipped roof with a gable and rear dormer. At the side of the house a new single storey porch would be added next to the existing front door, continuing the existing roof over the porch and bay window. A two-storey side element with a hipped roof would also be added, set back from the main front elevation.
5. The proposed single storey rear extension would replace existing buildings and, whilst it would be of a greater width it would have a similar length to them. The proposed rear two storey element is modest in size and I consider the impact of the additions at the back of the house to be acceptable.
 6. The appeal plot is narrowest at the street frontage and widens to the rear, with a good-sized back garden. In order to make maximum use of the space, the side extensions have been designed to follow the plot boundary, rather than the line of the building. The proposed two-storey side extension would therefore widen towards the rear. This, together with the combination of hipped and gabled roofs with different pitches on the front elevation, would cause the extension to appear awkward and out of character with the host dwelling and the adjoining property. The effect would be exacerbated by the proposed windows and new front door, which would not respect the existing features in their size or position.
 7. I acknowledge that the two-storey element would be set back and down from the front elevation to make it appear subservient, and paragraph 127 c) of the National Planning Policy Framework does not seek to prevent or discourage appropriate innovation or change, but the proposal would not be sympathetic to local character.
 8. I have looked at the other examples of conversions in the area which the appellant has provided. In the cases cited by the appellant, the host property is of a different character to the appeal property and it has been possible to successfully extend in each example without causing harm to the character of the building. 18 Kingston Avenue and 83 St James Road are both located on corner plots where additional space and design options have been available. At 44 Westfield Road planning permission has been granted to extend a bungalow by adding a first floor to enable subdivision. I note that 352 St Helier Avenue Morden is within another local authority area and therefore would have been subject to different policy considerations. I do not consider any of the examples provided to be directly comparable to the case that is before me.
 9. I conclude, on this issue, for the reasons set out above that the proposed development would harm to the character and appearance of the area. As such the proposal would conflict with Policy 28 of the Sutton Local Plan 2018 (Local Plan), which requires development to respect local context and respond to local character. For the same reasons the proposal would fail to comply with the guidance provided in SPD4 – Design of Residential Extensions. I also conclude that conflict would arise with Framework paragraph 124 as the proposal would not lead to the creation of a high quality building.

Provision of a mix of homes in the area

10. In the preamble to Local Plan Policy 10 the Council acknowledges that the conversion of larger properties into smaller ones is a valuable source of housing supply. It goes on to state, however, that some types of houses such as large Victorian villas convert well into flats whereas others such as inter-war semi-

detached properties do not. The Local Plan also notes that two and three bedroom market houses are the most required type of housing in the borough. Local Plan Policy 10 aims to restrict the loss of existing properties of this type. It directs proposals for conversions to areas which have properties that can convert well into flats. These are identified as 'Areas of Potential Intensification'. The appellant takes the view that there is no clear policy or definition of what constitutes an Area of Potential Intensification. I disagree given that the reasons for the policy approach are clearly explained in the Local Plan and the areas are defined in Appendix 1 of the Local Plan. The appeal property is not within one of these areas.

11. Local Plan Policy 10 sets a minimum floorspace figure of 125m² for conversions of existing dwellings to self-contained flats. This figure applies to the original dwelling; it does not include any existing or proposed extensions. The Local Plan explains that the Council has chosen this figure because below it, a house would not be able to convert to two 61m² flats (the minimum standard for a two bed, three person flat in The Mayor's internal space standards). The Council say that in this case, the floorspace of the original dwelling is approximately 63.4m² and therefore does not meet the policy requirement.
12. The appellant disputes this and says the floorspace of the existing dwelling is well in excess of 125m². I do not have information about what constitutes the original dwelling before me, so I cannot be certain on the accuracy of the Council's calculation. However, I note that the appellant is referring to the existing dwelling which has already been extended. The aim of the threshold is to prevent smaller houses being extended significantly and then subdivided. In this case, the proposed extensions required to enable the subdivision are excessive compared with the host property, leading to the harm I have described.
13. The appellant suggests that the proposal would add to the overall choice of housing in the area and provide smaller affordable homes which are needed in the area. Whilst a mix of housing is desirable, and the proposal would make a modest contribution to the supply of housing in the area, there is no evidence before me to suggest that the proposed flats would be affordable in accordance with the definition found in the Framework. In any event, I do not consider the modest benefits of the scheme to outweigh the proposal's failure to comply with Local Plan Policy 10.
14. I conclude, on this issue, that the proposed development would not contribute to an appropriate mix of housing in the area. The proposal would not comply with Local Plan Policy 10 which directs proposals for conversions to properties and areas which can most successfully accommodate this type of development.

Living conditions

15. The Council is concerned that flat 2 would not meet the Mayor's Internal Space Standards for living accommodation, as set out in Table 3.3 of the London Plan 2016 (LP). These standards align with those in the Technical housing standards – nationally described space standard (THS), which is referred to by the appellant. It is clear from Table 3.3 that the space standards apply to conversion, as well as new build and change of use.
16. The Council has assessed the scheme on the basis that flat 2 is a two bedroom, two storey, four person flat so the minimum requirement is 79m², compared

with a floorspace which they calculate to be approximately 69.4m². The appellants disagree with this assessment, describing the accommodation as two one bed one person rooms.

17. The accommodation comprises of a modest kitchen/living area and two bedrooms. The Council's assessment is based on the THS which requires that in order to provide two bedspaces, a double (or twin) bedroom has a floor area of at least 11.5m². The plans submitted with the application show floor areas in the bedrooms of 14.3m² and 12.2m². I therefore agree that flat 2 could accommodate four bedspaces and as such, does not meet the Mayor's internal space standards or THS. These are minimum standards so that development meets the needs of Londoners over their lifetimes.
18. Accordingly, I conclude that the proposed development would not provide satisfactory conditions for future occupants of flat 2. As such the proposal would not comply with Policy 3.5 of the LP, Local Plan Policy 9 and the THS; which jointly set out minimum requirements for new residential development including conversions.

Other matters

19. In support of their proposal the appellant refers to paragraphs 117 and 118 of the Framework which highlight the need to make effective use of land in meeting the need for homes and other uses. These objectives do not override the harm that I have found in relation to the proposal.
20. I have considered the impact of the development on neighbouring properties and agree with the main parties that the proposal would not cause harm as a result of overlooking, loss of privacy or light. Although the proposed two storey side extension would reduce the gap between the host property and No 320, the hipped roof would reduce the bulk of the building on this elevation. I do not consider that it would cause significant harm through generating a tunnelling effect, or through loss of daylight to No 320.

Conclusion

21. For the reasons set out above, I conclude that the appeal is dismissed.

Rosie Morgan

Inspector