



Appeal Decision

Site visit made on 30 May 2019

by M Seaton DipTP MRTPI

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

Decision date: 28 August 2019

Appeal Ref: APP/P5870/W/19/3223466

Land at the Rear of 14 High Street, Carshalton, SM5 3BN

- 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 F Willis against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2018/01335, dated 6 August 2018, was refused by notice dated 9 October 2018.
 - The development proposed is the demolition of the existing single storey commercial building and erection of a two-storey building providing 4no. 1 bedroom self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - the effect of the proposed development on the character or appearance of the conservation area and on the setting of nearby listed buildings; and,
 - whether the proposal has adequately addressed matters related to parking.

Reasons

Heritage assets

3. The appeal site is situated to the south of Carshalton High Street and east of The Square, on to which the existing single-storey commercial building immediately abuts, and possesses its principal elevation and vehicular access through an industrial-style garage door. Immediately to the south-east and east of the appeal site is a surface public car park, with the Grade II listed former Carshalton Public Library located on the opposite (west) side of The Square, and further Grade II listed buildings at No. 6 The Square and The Orangery to the south on the opposite side of the entrance to the car park. The appeal site is also located within the Carshalton Village Conservation Area.
4. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a duty upon the decision-maker, in the exercise of planning functions, to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas. I also have a statutory duty, under Section 66 of the Act to consider the impact of the proposal on the

special architectural and historic interest of the setting of nearby listed buildings. The National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

5. The *Carshalton Village Conservation Area: Draft Character Appraisal and Management Plan, 2018* (the CA Appraisal) highlights the appeal site as being located within Sub Area D 'Carshalton High Street', albeit that I note The Square acts as the boundary with Sub Area C 'All Saints Church'. Whilst the CA Appraisal reflects on the excessive traffic dominance within Sub Area D, it identifies the mixed building quality of the area, including many high-quality listed buildings such as The Orangery, as well as some poor-quality buildings.
6. There is no dispute between the parties that the existing commercial building does not make a positive contribution to the significance of the Conservation Area, and its demolition is therefore not objected to. In respect of its detailed design, this is a conclusion with which I would agree. In contrast, the appellant contends that the proposed two-storey building has been designed to be sympathetic to the established character of the locality and would utilise brick and render as materials appropriate to the context of the locality and the Conservation Area, and as a consequence would represent an enhancement over the existing building.
7. I would agree with the appellant's assessment of The Square as being characterised predominantly by two-storey buildings, and that brick and render are the prevailing materials used in the vicinity. I also note that the footprint of the proposed building would cover a smaller area than that of the commercial building, with the Block Plan showing it as being drawn back from the pavement boundary, and also at the rear to facilitate modest amenity space for the ground floor units. However, despite acknowledging these aspects of the proposed development, the increase in bulk and massing of the proposal would, in contrast with the less bulky single-storey commercial building, result in a visually obtrusive addition to the street scene in this prominent location.
8. I accept that the adjoining element to the rear of no. 14 High Street would itself appear to have been recently extended at first floor level, and that as proposed the building would be subservient to the much greater scale of the main building fronting the High Street. However, I am not persuaded that a further extension of two-storey development along The Square immediately to the rear of no. 14 High Street would be appropriate with the visual effect of the current building being at the end of a decreasing range of scale of development from the High Street. Whilst this admittedly contrasts with the civic scale of the former public library on the opposite side of the road, the scale of the existing building sits more comfortably within this more transitional part of the street scene adjacent to the open space of the car park and its entrance, and between the commercial premises on and to the rear of the High Street and the established residential properties and area further beyond to the south.
9. Turning to the detailed design of the proposals, I have noted the references within the submitted Heritage Report prepared by Chilcroft (dated January 2019), to design cues taken from the former Carshalton Public Library. However, it is clear from the submitted plans and documents that the design of the proposed development has not been assessed thoroughly in the context of

all existing development, with no consideration given to the immediately adjoining two-storey building to the rear of No. 14 High Street.

10. In this regard, I note that whilst the submitted plan showing the elevation south west from The Square may have been accurate at the stage it was prepared, it has clearly not subsequently been updated to reflect the completion of the first floor extension immediately abutting to the north, which is as observed at my visit and indeed as shown on the cover of the Heritage Report. Within the street scene this now provides a key visual relationship with the proposed development, which critically does not appear to have been assessed.
11. There would be an awkward juxtaposition between the gable end roof of the adjoining extension and the hipped roof end of the proposal which would as a consequence of their adjacency, appear as a visually jarring relationship within the street scene. Furthermore, the inconsistency in the design approach to fenestration with the existing first floor individual window openings exhibiting a strong vertical emphasis and therefore conflicting with the horizontal emphasis of the proposed first floor window openings, would result in an awkward design contrast. In addition, the rear balconies for the first-floor flats Nos. 3 & 4 and the porch hoods to the ground floor flats along with the protruding entrance feature to the upper floors, appear unjustified in design terms and uncharacteristic of the character and appearance of the area. Overall, I am not persuaded that the proposed detailed design of the building would be of a high quality or reflect local design characteristics.
12. Turning to the setting of the listed buildings, the proposed development would fall within the wider settings of a number of Grade II listed buildings including the former Carshalton Public Library, No. 6 The Square, The Orangery, and Nos. 16-20 High Street, as well as the Grade II* listed All Saints Church. It is appreciated that all of these listed buildings are already set within an existing urban context. Furthermore, despite identifying concerns with the bulk and massing of the proposed building and its detailed design in the context of the Conservation Area, I am not persuaded that the importance of the setting of these listed buildings would be affected sufficiently so as to detract from the significance of the listed buildings. As a consequence, and due to their relationships with the urban context and street scene, and their special architectural or historic interest, their settings would be preserved.
13. I have had regard to the appellant's contention that the justification for the introduction of the balconies to the rear of the proposed building is that it would provide surveillance of the public car park and act as a deterrent to crime. However, the detailed design also includes windows to the rear which would have broadly the same effect, and in any event no compelling evidence has been adduced to support the contention that the area suffers from crime or anti-social behaviour.
14. The Framework makes a distinction between a development causing substantial harm to the significance of a designated heritage asset and works that would lead to less than substantial harm. Paragraph 196 of the Framework continues by stating that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal.

15. In this case, I find that the proposal would result in less than substantial harm for the reasons described. Whilst I note that the provision of four additional units of residential accommodation would make a limited contribution towards the housing supply and need of the area, and that there would also be some economic and social benefits related to the development and future occupation of the dwellings, I am not persuaded that this represents a level of public benefit which would be sufficient to outweigh the otherwise identified harm.
16. Despite the demolition of the existing commercial building, the proposed development would not represent a high quality of design. Although I have found the proposal would not have an adverse effect on the special architectural and historic interest of the setting of nearby listed buildings, the proposed development would neither preserve nor enhance the character or appearance of the Conservation Area, and in accordance with Section 72 of The Act, great weight should be given to the asset's conservation.
17. The proposal would therefore not accord with Policies 28 and 30 of the London Borough of Sutton Local Plan 2016-2031 (the Local Plan), and the Council's Supplementary Planning Document 14: Creating Locally Distinctive Places (SPD14). These policies and guidance seek to ensure that new development is attractive, designed to the highest standard, especially with regard to architectural detailing, is of a suitable scale and massing in the townscape, respects local context, and responds to local character and heritage assets including Conservation Areas, where development would be expected to conserve, and where possible enhance the character or appearance.

Parking

18. The proposed development does not seek to provide any off-street car parking. In this respect, the appellant has drawn my attention to the response from Transport for London (TfL) in welcoming that the proposed development is car free, but that cycle parking should be provided to minimum standards. Whilst the appeal site is highlighted as having a moderate Public Transport Accessibility Level (PTAL) of 3, the Council has drawn my attention to Policy 37 of the Local Plan which sets out that car-free development should normally only be entertained within a PTAL 5 or 6 area.
19. The Council appears to have deferred in this instance to TfL's position in assessing the proposed development, but I am mindful that the support for the proposal was dependent on achieving an appropriate level of cycle parking to mitigate the absence of car parking. In this regard, whilst areas for cycle parking are identified both in the rear amenity spaces and on the rear balconies, I agree with the Council that it would be unacceptable to rely on the first-floor provision in the format as currently shown.
20. It has been suggested by the appellant that accommodation for cycle parking could be achieved for all 4 flats at ground floor level and this should be a matter capable of being addressed by condition. However, I am not persuaded on the basis of the examples submitted and the layout of the proposed development, that such provision could be made at ground floor level without the potential for introducing conflict with the living conditions of the occupiers of the ground floor flats, in particular privacy and the availability of external amenity space. In the absence of a realistic solution to the cycle parking provision, I do not consider that a condition would provide any certainty of resolving this issue.

21. In addition to the above matters, I have had regard to the appellant's submissions related to the availability of on-street car parking for any demand that may arise from occupiers of the proposed development. Whilst any such parking survey can only be considered to essentially represent a snapshot in time, at the time of my visit to the appeal site during the middle of the afternoon, there was only very limited availability for parking on surrounding streets, contrary to the earlier assessment. Nevertheless, I do not find this in itself to be determinative given my earlier conclusions with the need to deter unnecessary car use not fully addressed.
22. In the absence of sufficient certainty regarding the ability to provide an appropriate level of cycle parking, the proposed development would not satisfactorily address matters related to car parking. The proposal would therefore conflict with Policies 36 and 37 of the Local Plan, which seek to ensure that transport impacts of development are managed and mitigated, with new developments providing a suitable level of car parking and cycle parking commensurate to their location.

Planning Balance

23. The provision of four additional dwellings to the local housing market would be an undoubted benefit of the proposed development, albeit given the quantum of development the weight to be attached would be very limited. The local economy would also have the potential to have some limited benefit during the construction period and from any expenditure from future occupiers. Whilst I have noted the overall moderate PTAL level of 3, the appeal site is conveniently located for the services and facilities of Carshalton centre as well as local bus stops, with National Rail services set a little further away. The proposal would also attract Community Infrastructure Levy payments. These are all factors which would attract some limited weight in support of the proposed development.
24. However, I have found that the proposed development would neither preserve nor enhance the character or appearance of the Conservation Area and has failed to satisfactorily address matters related to car and cycle parking. I am satisfied that the benefits which I have summarised above would not be sufficient to outweigh the harm which I have identified in the main issues.

Conclusion

25. For the reasons set out above, the appeal must be dismissed.

Martin Seaton

INSPECTOR