
Appeal Decision

Site visit made on 12 August 2019

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 3 September 2019

Appeal Ref: APP/P5870/W/19/3226569

Stonecot Nurseries, Stonecot Hill, Sutton SM3 9HR

- 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 Jim Dobbe against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/00046, dated 9 January 2019, was refused by notice dated 18 March 2019.
 - The development proposed is the erection of 6 flats, bike store and bin store.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are;
 - The effects of the proposal on the character of the area
 - The effects of the loss of commercial land
 - The effects on neighbours.

Reasons

The effects on the Character of the Area

3. The appeal site is currently used as a storage yard in association with the fencing business, which also occupies the neighbouring office. The site is otherwise bounded by residential uses and a church. The wider area is mainly residential in character with another church on the opposite side of Stonecot Hill.
4. The residential buildings within the area are generally 2 storeys in height but there are a number of more recent 3 story blocks. These were drawn to my attention by the appellant and I saw them at my site visit. The frontage of the adjacent properties are generally open and some accommodate open parking. There is a significant area of green verge in front of the neighbouring church and also on the opposite side of Stonecot Hill.
5. Although the proposal would be 3 storeys in height, its maximum height would be about the same as the terrace and the adjacent church. Whilst I accept that they have pitched roofs, the proposed additional bulk brought about by the

flat-roofed proposal in comparison would not have an unusual or markedly different appearance. It would also be very similar to the other buildings and their relationship with neighbouring properties, as drawn to my attention. Although the proposal would be set slightly forward of the church I do not consider that it would be sufficient to upset the street-scene.

6. The proposed frontage would contain car parking and a new bin store would be constructed to the front of the office building and some distance forward of it. The existing frontage is marked by a metal fence and beyond that there is an open area which merges with the pavement. Whilst this is within the appellant's ownership, it is open. This open area aligns with the planted verge of the church to the north and extends beyond the frontage of the neighbouring properties to the south. I consider that the provision of the formal parking area and the formation of a new boundary feature as well as the bin store would have a significant and negative effect on the street-scene. The parking area would extend significantly far forward than the neighbouring properties. This and the provision of the bin store would mean that this aspect of the development would appear markedly out of place within the context that I have described. In this way I consider that the proposal would have a significant and negative effect on the street scene, contrary to Policies 1 and 28 of the Local Plan (LP).

Loss of commercial land

7. Policy 14 of the LP states that in locations such as this, proposals that result in the loss of commercial floorspace will be refused unless it can be demonstrated that, i) the existing use has an unacceptable effect on neighbouring residents and ii) there is genuine evidence that the site has been realistically marketed for 12 months. There is no suggestion that criteria i) applies here. In relation to the second point, no evidence is submitted. The appellant states that the business no longer needs the storage that the yard provides as they are moving to "just in time" deliveries, wherein fencing manufacturers would deliver directly to a construction/client's site rather than the appeal site. Notwithstanding this, the appeal site contained a significant quantity of fence panels, posts, timber and such material when I undertook my site visit.
8. It must be accepted that the Council's policy in this respect does not seek to protect commercial sites just for an individual business but the protection afforded is to retain a commercial site for any business that may find it acceptable to use. The fact that the appellant's business may no longer need it is not an indication that there are no businesses that would find it acceptable. Just because the appellant's business may adapt and not require a storage yard does not mean that other businesses do not need such sites. The LP indicates that there is a general need for employment sites within the Borough and, in such cases, through Policy 14 the way to test if a site is unsuitable is to undertake suitable marketing. This has not been done and I conclude that it has not been demonstrated that the site is not suitable for a commercial use. Therefore, the proposal conflicts with Policy 14 of the LP. I fully acknowledge the points made by the appellant that small sites can make a valuable contribution to the supply of housing but this does not outweigh the unacceptable loss of this commercial site in my judgement.

The effects on neighbours

9. The Council's representations indicate that the proposal would not have any unacceptable effects on neighbouring residents and from what I saw on site, I find no reason to disagree. The Council indicates that the proposal would give rise to overlooking, actual and perceived, of the church and its grounds. The church has a small remembrance garden to the side, and some windows. I do not consider that the nature of the use of the garden of remembrance nor of the church itself would mean that any unreasonable levels of overlooking would occur.

Conclusions

10. I have taken account of all other matters raised in the representations, including the value of small sites in the provision for housing. However, I consider that the protection that the LP affords to commercial sites is relevant and realistic in this case and its requirement has not been satisfied by the proposal. In addition, I find that the proposal would result in harm to the character of the locality. These matters are not outweighed by the benefits that the proposal would bring about. Therefore, the appeal is dismissed.

ST Wood

INSPECTOR