



Appeal Decision

Site visit made on 8 July 2019

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2019

Appeal Ref: APP/P5870/W/19/3226023

11 St James Road, Sutton SM1 2BB

- 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 Deepak Rajurkar against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2018/01910, dated 18 October 2018, was refused by notice dated 31 December 2018.
 - The development proposed was originally described as: 'Proposed single-storey rear, two storey side extension to facilitate the conversion of existing end of terrace 3-storey town house to 3 flats (1 x 3 bedroom, 2 x 1 bedroom) with internal alterations and provision of refuse and cycle facilities'.
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Decision

1. The appeal is allowed and planning permission is granted for proposed single-storey rear, two storey side extension to facilitate the conversion of existing end of terrace 3-storey town house to 3 flats (1 x 3 bedroom, 2 x 1 bedroom) with internal alterations and provision of refuse and cycle facilities at 11 St James Road, Sutton SM1 2BB in accordance with the terms of the application, Ref DM2018/01910, dated 18 October 2018, subject to the conditions in the attached schedule.

Procedural Matters

2. In the evidence before me, it is suggested that revised drawings were issued to the Council before the planning application was refused. These revisions were in response to ownership concerns relating to side access to the amenity space to the rear of the building. However, these drawings were not accepted by the Council as they did not address their specific concerns in relation to housing mix. Accordingly, the Council's decision was based on the originally submitted drawings, however, the same revised drawings have also been provided with this appeal.
3. Based on the evidence before me, the drawings originally submitted with the planning application did not include a proposed first floor plan. However, this floor plan is shown on revised drawing number 10619 12 B. The same drawing also omits the proposed side access with the result that the existing amenity space would be provided for Flat 1, rather than being split between Flats 1 and 3.
4. The revised drawing therefore provides clarity in relation to the proposal and prevents access across land that is outside of the ownership of the appellant. Due to the minor change and the increased clarity that is provided by the

revised drawing, I am satisfied that the drawing should be accepted as part of my assessment of the appeal. For the same reasons, I am satisfied that accepting the revised drawing would not prejudice the interests of the main parties, or that of the neighbouring property.

5. However, the other revised drawings that have been submitted also seek to make other changes to the proposal. This would include an alteration to the proposed roof form as well as an additional balcony to the rear elevation at second floor level. Accepting these drawings would materially alter the development and consequently, I have not considered them in my assessment of the appeal. Therefore, as identified above, the only revised drawing that I have accepted in my assessment of the appeal is drawing number 10619 12 B, and this is simply in the interests of precision and clarity.

Main Issue

6. The main issue is the suitability or otherwise of the existing dwelling for conversion into separate units, having regard to the requirements of local plan policy.

Reasons

7. The Sutton Local Plan 2016 – 2031 (2018) (LP) states that in addition to creating new housing to meet demand, it is important that existing housing is not lost so that total housing stock is increased. Policy 10 of the LP seeks to control the loss of housing and conversions and part 'a' of the policy states that the Council will resist the loss of residential accommodation. It goes on to state that a loss may only be acceptable where it is part of an application which results in better-designed, higher quality housing.
8. The proposal would see the 4 bedroom house converted into 3 smaller apartments which the Council consider would not be better designed or of higher-quality. However, whilst the larger house would be converted, overall the proposal would not result in the loss of residential accommodation. Instead, it would result in a net increase of 2 units. In this respect, the proposed conversion would not conflict with part 'a' of the policy.
9. The LP also confirms that the conversion of larger properties into smaller properties is a valuable source of new housing supply. Nevertheless, based on the evidence before me, 2 and 3 bedroom market houses remain the most required type of accommodation and therefore it is necessary to limit the number lost to flat conversions.
10. Consequently, part 'b' of the policy establishes six specific criteria that relate to the conversion of existing dwellings to provide new self-contained housing units. Criterion (ii) requires that the Gross Internal Area (GIA) of the dwelling considered for conversion is at least 125m², excluding extensions, garages, and loft space. This figure derives from The Mayor's internal space standards and the ability to convert a house into two 61m² flats¹.
11. The appeal site currently has a floor area of approximately 93m². It is therefore significantly below the threshold required by the LP. However, the proposed extension would take the floor area close to 200m². Although the policy states that extensions, garages and loft space should be excluded for the

¹ The minimum standard for a two bed, three person flat in The Mayor's internal space standards.

purposes of the GIA, it does not differentiate between existing extension and those designed to facilitate a proposed conversion.

12. The Council has raised no objection to the design of the extension. It would be set back from the front of the property and the overall ridge height would be lower. Moreover, the proposal would retain a small gap to the adjacent dwelling and the proposed hipped roof would limit the bulk of the addition at roof level. As a consequence, the proposed extension would be subordinate to the form of the host dwelling and appropriate within the street scene. Therefore, based on the evidence that I have before me, I have no reason to disagree with the Council's conclusion in relation to the built form of the proposal.
13. The proposed extension would facilitate the conversion of the property to a three bedroom apartment at ground floor level and one bedroom apartments on both the first and second floors. The apartments would comply with the necessary space standards and the Council has raised no objection to the specific size or layout of the new apartments. The ground floor apartment would also be provided with direct access to amenity space to the rear.
14. It seems to me that the overall requirement of Policy 10 of the LP is to ensure that where the intensification of development is proposed, it is done in a manner that would provide accommodation of an appropriate standard. An objective assessment of the appeal proposal demonstrates that the accommodation proposed would be acceptable. In addition, whilst it would result in the loss of a family house, the ground floor apartment would provide three bedrooms. Consequently, the proposal would compensate for this loss of the house with an apartment that would be suitable for family accommodation.
15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In light of the aspirations of the LP, I am satisfied that the proposal should be assessed in relation to the total proposed level of floorspace and the merits or otherwise of the proposed conversion. To do otherwise could restrict housing of an appropriate standard which could limit the potential of increasing the housing stock.
16. Consequently, despite the apparent conflict with the LP in terms of floor area, for the reasons identified above, I am satisfied that material considerations indicate that the proposal would be acceptable. I therefore conclude that the existing dwelling is suitable for the conversion into separate units. It would therefore accord with the overarching aim of Policy 10 which seeks to control the loss of housing and conversions.

Other Matters and Conditions

17. The appeal site is located in a Controlled Parking Zone (CPZ) and has a PTAL rating of 5 which indicates a good level of accessibility to public transport. The proposal would provide 2 on plot parking spaces for the 3 dwellings proposed. Consequently, one dwelling would be unable to park at the site. Moreover, due to the parking restrictions, they would either have to pay for parking or obtain a parking permit.
18. It is suggested in the evidence that the reduced level of parking would only be acceptable subject to a legal agreement to preclude future occupiers of one of the apartments from obtaining an on-street parking permit. However, the

Council has not identified why there is a CPZ in this location, nor have they provided any compelling evidence why the restriction for future car parking is necessary to make the development acceptable in planning terms. Moreover, no evidence has been provided to demonstrate that obtaining a permit for one apartment would give rise to highway safety concerns.

19. The appellant has provided a unilateral undertaking (UU) to secure such a restriction. However, for the reasons identified above, I have no substantive evidence before me that would lead me to a conclusion that the proposal would have a harmful effect on highway safety. Consequently, I am satisfied that the UU is not necessary.
20. The adjacent neighbour, No 9, has a large opening within its facing side elevation that consists of several glass blocks, a design feature that is replicated to the rear of the property. The proposal would decrease the space between the two properties, however, the existing flank wall of the appeal site is already located close to this light source. It is also already a tall and imposing flank wall. As a consequence, whilst the proposal would be likely to reduce the amount of daylight received by the opening, I am satisfied that due to the presence of the existing imposing gable end, this would not be so significant as to warrant the failure of the appeal. I also note that the Council concluded similarly on this point.
21. The proposal would introduce a small balcony to the rear elevation which the proposed section drawings indicate would be enclosed to the side by a 1.8 metre high privacy screen. However, due to the proximity of the balcony to the neighbouring properties, the success of the privacy screen is vital to ensure that existing privacy levels are not compromised. Consequently, it is necessary to attach a condition to ensure that this matter is resolved prior to the occupation of Flat 2.
22. The proposal would also introduce additional windows to the rear of the property, with the bedroom window for flat 2 projecting further into the site than the existing upper floor windows. Despite this, the appeal site is located within a suburban environment whereby windows in upper storeys provide a clear level of mutual overlooking. As a consequence, I am satisfied that these windows would not materially alter the privacy levels experienced by the occupiers of neighbouring properties.
23. The proposal would increase the level of occupancy at the appeal site however, I have no compelling evidence to confirm that this would give rise to an unacceptable level of noise. I also note the concerns regarding sewage and drainage, however, these matters can be adequately addressed outside of the planning system.
24. Conditions are also necessary in the interests of clarity and precision to set out the time limit for the commencement of development as well as the approved drawing numbers. Finally, to promote sustainable forms of transport as well as in the visual interests of the area, a condition is necessary to secure details of bicycle and bin storage prior to the occupation of the dwellings hereby approved.

Conclusion

25. For the reasons identified above, the appeal is allowed.

Martin Chandler

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: 10619 01, 10619 12 B, 10619 13, 10619 14, 10619 15.
- 3) Prior to the occupation of the dwellings hereby approved, full details of the proposed balcony privacy screen for Flat 2 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved prior to the occupation of the dwellings and retained thereafter.
- 4) Prior to the occupation of the dwellings hereby approved, full details (including size, design and location) of the proposed bicycle and bin storage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved prior to the occupation of the dwellings and retained thereafter.