



Appeal Decision

Site visit made on 23 September 2019

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2019

Appeal Ref: APP/P5870/W/19/3233015 79 Titchfield Road, Carshalton SM5 1PU

- 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 Paulo Santos against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/00612, dated 4 April 2019, was refused by notice dated 12 June 2019.
 - The development proposed is construction of single storey rear and side extensions and the conversion of the existing 2 storey side extension to a 1 bedroom 2 person house with associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. From the information before me there does not appear to be any dispute between the parties over the design of the proposed extensions, effect on neighbours and highway safety, and based on my own observations, I have no reason to take a different view.
3. Therefore, 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

4. The appeal property is an extended two-storey, 3-bedroom, end-of-terrace house located on the corner of Titchfield Road and Titchfield Walk, within an established residential area comprising mainly of terraced housing. It is set within a triangular plot, which is considerably wider to the front than the rear.
5. Notwithstanding the general provisions of Policies 1 and 7 of the Sutton Local Plan (2018) (LP), Policy 10 sets out the circumstances where the conversion of existing dwellings to provide new 'self-contained housing units' (not just flats) will be allowed. The Policy states that in addition to creating new housing to meet demand, it is important that existing housing is not lost. It recognises that the conversion of larger properties into smaller properties is a valuable source of new housing supply, but to be supported, proposals must meet the criteria of the Policy. Those relevant to the appeal scheme are the criteria of parts 'a' and 'b'.

6. It is apparent, from the information before me, that prior to previous extensions the original property was already a 3-bed house, not a 2-bed house as stated by the Council. The proposal would revert the accommodation back to its original pre-extended arrangement with no reduction in the number of bedrooms. As such, the proposal would not result in the loss of residential accommodation. Accordingly, there is no conflict with the criteria under part 'a' of Policy 10.
7. However, under part 'b', the site is not within an Area of Potential Intensification where the increase in housing numbers through conversion will be permitted. Furthermore, the Gross Internal Area (GIA) falls below that required to make the property suitable for conversion. The Council states that the floorspace of the un-extended property was approximately 66m², whereas the policy requires properties to be of at least 125m² in order to be converted. Although the dwelling has been extended and the proposal includes further extension, the policy specifically excludes extensions from the required GIA figure. Accordingly, I find clear conflict with LP Policy 10 'b' in these respects.
8. In respect of the standard of internal accommodation in the proposed development, I accept the appellant's points that the new 1-bed house would comply with the Mayor's internal space standards¹, and that it is unreasonable to apply those standards to the original dwelling when it is not a new dwelling being created. In this regard there is no conflict with criteria (v) of LP Policy 10 'b', or part 'd' of LP Policy 9 for that matter.
9. I also accept that the proposed 1-bed dwelling would have sufficient outdoor amenity space for its occupiers, even though the only useable area would be to the front of the property. I observed that the front garden was pleasantly landscaped, had reasonable privacy and due to the presence of children's play equipment, appeared to be well-used currently.
10. However, there would be a disproportionate apportionment of garden space between the two properties. The larger 3-bed dwelling would be left with the small rear garden as its only useable and private outdoor amenity space. From my observations of its size, containment and northerly aspect, and also noting the manner in which the front garden currently appears to be the preferred play space, I consider that this arrangement would be inadequate for the 3-bed family dwelling. This would result in substandard living conditions for the occupants.
11. Furthermore, I note that the proposed bin and cycle storage for both dwellings would be located within the garden of the new 1-bed unit. It is not clear how this is intended to function, and to my mind, it is likely that the bins for the 3-bed dwelling would end up being stored at the front of the property, potentially diminishing the space for parking.
12. LP Policy 9 'f' states that an adequate amount of amenity space will be considered on a case-by-case basis, rather than the minimum standards of the London Plan. For the reasons given, I consider that the 3-bed dwelling would not have an adequate amount of outdoor amenity space and therefore I also find conflict with LP Policy 9 in this regard.

¹ As set out in Policy 3.5 of The London Plan 2016.

13. In support of the appeal, the appellant drew my attention to a planning permission at 200 Wrythe Lane, but from the information before me it appears that it predates the current local plan and was therefore not subject to the same policy considerations, such that I give it very little weight in my consideration of this appeal. In any event, I have determined the appeal on its own merits.
14. I have had regard to the aims of the National Planning Policy Framework in respect of making effective use of land and adding to the supply and choice of housing in the area. However, these objectives and the modest benefits of the proposal in these respects do not outweigh the proposal's failure to comply with the policies of the adopted development plan.
15. Accordingly, I conclude that the existing dwelling is not suitable for conversion into separate units as proposed. The proposal would not comply with LP Policy 10 where it directs proposals for conversions to properties and areas which can most successfully accommodate this type of development. The proposal is also contrary to LP Policy 9 where it requires an adequate amount of private amenity space for residential development, including conversions.

Conclusion

16. For the reasons above, I conclude that the appeal should be dismissed.

Adrian Caines

INSPECTOR