



Appeal Decision

Site visit made on 23 August 2019

by Jamie Reed DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2019

Appeal Ref: APP/P5870/W/18/3216969

10 St James Avenue, Sutton SM1 2TH

- 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 Parminder Sall against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2018/01149, dated 9 July 2018, was refused by notice dated 3 September 2018.
 - The development proposed is described as 'The site is currently an HMO with 4 bedsits. I would like to convert them into 2 self contained apartments which includes a loft conversion incorporated with the first floor apartment. Please refer to the attached documentation'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The name of the person making the appeal does not appear on the planning application form. It has been clarified that this person is an agent acting on behalf of the applicant, Mr Parminder Sall.
3. It was evident at my site visit that construction work was underway at the appeal property that was of a different form to that which is the subject of this appeal. I have not been made aware of any other recent planning applications at the site and such works have had no bearing upon my decision, which is based upon the information which is before me.

Main Issues

4. The main issues are the effect of the proposal on;
 - the living conditions of future occupants having regard to matters of privacy and floor space;
 - the character and appearance of the dwelling and the surrounding area;
 - parking arrangements in the surrounding area and;
 - local housing stock.

Reasons

Living conditions

5. The proposal seeks to create two self-contained flats. One of these would be at ground floor, with the other occupying the first floor and roofspace. The rear communal garden area provides bin and cycle storage for both flats. This would be accessed by the ground floor occupiers via their rear doors, whilst the occupants of the upper floor would have to walk past the front and side of the ground floor of the property to gain access.
6. Considering that the garden area would be communal, occupiers of the flats would have a clear expectation of the likelihood that there would be occasions when they would be sharing the space with one another. It follows that the ground floor occupiers would therefore not be unduly surprised at seeing their upper-floor neighbours passing by on occasion as they come and go. Such a situation would not be any different to any other forms of flatted developments with communal facilities where there is a given expectation of such conditions. As a result, the proposal accords with Policy 29 of the Sutton Local Plan (LP) (2018). This requires proposals to fully consider matters relating to overlooking that cause loss of privacy.
7. Policy 9 of the LP together with Policy 3.5 of the London Plan set out minimum standards of floorspace for living accommodation. The parties are in dispute over the type of accommodation that is to be provided with the appellant contending that the flats will be used as 2 x double bedrooms with a study whereas the Council consider the proposal would deliver two 3 bedroom, 5 person flats.
8. The submitted plans show a bed in each of the bedrooms, helping to illustrate their respective sizes. It is clear from the submitted plans that each flat would have 2 bedrooms that are capable of accommodating a double bed or twin beds and 1 bedroom that would be able to accommodate a single bed. I therefore consider the proposal would provide two 3 bedroom, 5 person flats.
9. Consequently, both flats would not meet their respective standards of 86 m² for the ground floor flat and 93 m² for the upper floor flat, with the ground floor flat having a GIA of around 82 m² and the upper flat 80 m². Even if the appellant were to move the internal walls as they have suggested, this would still not result in them achieving the necessary standards.
10. As a result, I conclude that whilst sufficient levels of privacy would be achieved by the proposal, it would not provide a suitable standard of living accommodation for its prospective occupiers. Consequently, the proposal would be contrary to Policy 9 of the LP. This policy requires proposals to meet the internal space standards that are set out in the London Plan.

Character and appearance

11. The appeal property is a two storey semi-detached dwelling situated in a predominantly residential area. A common characteristic of the properties in this section of St James' Avenue is that each pair of semi-detached properties are separated by only a narrow walkway to their sides to access the rear garden areas. A further common characteristic are the two storey, pitched roof rear offshoots that project out along the shared boundary with their respective

adjoining dwellings. Such an arrangement results in there being distinct gaps between each pair of semi-detached houses.

12. A part two storey/single storey extension would be constructed to the rear. The single storey element would form a flat roof extension across the rear of the property. A feature of this rear extension is a small three sided bay window that looks out onto the rear garden. Whilst somewhat unusual in terms of its size and location, the window would be located to the very rear of the extension would not be readily visible. As such, I find no harm arising from this bay window.
13. Part of the rear extension would be two storeys in height. This would be of a flat roof construction and would infill much of the distinct gap between the appeal property and its neighbour at 8 James' Terrace. Its flat roof appearance would visually jar with the more traditional pitched roof appearance of the original dwelling and its neighbours and due to its size would be visually prominent and incongruous when viewed from the neighbouring rear garden areas.
14. Accordingly, I conclude that for the reasons above, the two storey element of the proposal would be visually harmful to the character and appearance of the appeal property and the surrounding area. Consequently, the proposal would be contrary to Policy 28 of the LP. This requires proposals to be of a high quality and have a suitable scale, massing and height that respects its local context.

Parking arrangements

15. The site is in an area with a poor Public Transport Accessibility Level (PTAL) rating and within a Controlled Parking Zone. The Council's Highways Officer has advised that a car-free form of development would be preferable for such a proposal. I noted however that the property is only a short walk away from West Sutton train station and that many of the houses in the streets in the area have driveway parking available. This driveway provision would reduce the demand/reliance on on-street parking in the area. The appellant has also stated that they are looking at entering into an agreement with a neighbour to secure off street parking nearby.
16. As a result, I do not consider it necessary for the proposal to be car free, as there is reasonable access to public transport as well as a significant amount of off-street/on street parking provision in the area. Consequently, the proposal would accord with Policy 37 of the LP, which requires proposals to not result in an increase in on-street parking which would adversely affect traffic flow including bus movement, highway safety, residential amenity and the local environment.

Local housing stock

17. The conversion of a larger property into multiple properties can be a valuable source of new housing supply. However, as set out in Policy 10 of the LP this must not be at the expense of 2 and 3 bedroom houses which are the most required type of housing. Whilst the appeal property has most recently been in use as a house in multiple occupation for four persons (Use Class C4), it could easily be used in its current form as a single dwelling (Use Class C3) and as

such, Policy P10 is applicable. This sets out that existing houses with a Gross Internal Area of less than 125m² should not be permitted to convert to flats.

18. The appellant has contended that whilst this standard cannot be met, it is close at around 117 m². Furthermore, they explain that the extra space that would be created by the proposal would result in the property's GIA exceeding the 125 m² threshold. However, Policy 10b (ii) is clear that the GIA should not include extensions and loft space, as is the case in this instance.
19. Accordingly, I conclude that it has not been satisfactorily demonstrated that the loss of the property as a single dwelling would be acceptable. Consequently, the proposal is contrary to Policy 10 of the LP.

Other Matters

20. The appellant has referred to a number of other properties nearby which have been converted to flats and as a result of these, considers their proposal to be acceptable. Whilst it is inevitable that comparisons be made between developments, each will have its own particular site-specific circumstances and merits upon which it will be considered. From the limited information before me, it is clear that the other developments referred to were undertaken a number of years ago and it is inevitable that matters such as national and local planning legislation will have changed since this time. As such, I can only attach little weight to this argument.
21. The appellant considers the proposal would provide variations of housing types that will help address the future need for housing, which is a requirement of LP Policy 21. Whilst this may be the case, such a benefit does overcome the harm that I have identified above.

Conclusion

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

Jamie Reed

INSPECTOR