



Appeal Decision

Site visit made on 4 November 2019

by Julia Gregory BSc(Hons) BTP MRTPI MCMI

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

Decision date: 06 December 2019

Appeal Ref: APP/P5870/W/19/3235153

2 Talbot Road, Carshalton SM5 3BS

- 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 Charterwood Homes Limited against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/00708, dated 18 April 2019, was refused by notice dated 2 July 2019.
 - The development proposed is demolition of existing detached dwelling and erection of 7 no. dwellings, vehicular and pedestrian access, car parking and secure cycle storage and landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development would preserve or enhance the character or appearance of the Carshalton Village Conservation Area (CA).

Reasons

3. The dwellings would be located within the Carshalton Village CA. The Council in October 2019 published a Character Appraisal and Management Plan for the CA. This identifies that the character of the CA is predominantly defined as an organic form of development, with significant emphasis given to the amount and location of parks and ponds, the irregular street layout and building lines and views. This includes the consideration and preservation of the human scale of development in the area, comprising predominantly two storeys, a harmonious relationship of buildings and spaces between them, such as the streets and parks. The focal point of the CA is the Grade II* Listed All Saints Church, which is medieval with later additions and overlooks the ponds. Many of the roads surrounding the church have kept their historic street pattern.
4. The appraisal splits the area into sub areas, with the appeal site located within sub area C, All Saints Church. The Grade II* Listed All Saints Church is Carshalton's ancient Parish Church and stands in a very prominent position overlooking the ponds and Grove Park, making it a very significant feature of the entire CA. Boundary walls are also listed, including a section of wall that would be retained forming the northern boundary of the site.
5. The appraisal identifies the churchyard as an important open space. It specifies that the churchyard is generally well maintained, although in parts it is

overgrown, with several broken or fallen headstones. Generally, the historic character of this sub area is characterised by the church and the relationship of the church to the ponds and the openness of the church grounds and churchyard. The architectural quality is mixed with significant buildings, mostly Listed, and relatively few buildings that make little contribution to the character of the sub area. The 20th century semi-detached houses towards the south east of the sub area, along The Square and Talbot Road, are in fairly good condition with many retaining original windows, although there are several roof extensions that alter the roofscape.

6. The existing dilapidated dwelling would be demolished. The design of the dwelling with its flat roof is a negative feature of the CA, failing to reflect the traditional cottages nearby. Nonetheless, because of its low roof, and the limited extent of building currently on the site, the rear garden of the property, which is extensive, with mature trees and readily perceived from the adjacent churchyard is a positive feature of the CA. The erection of the 4 dwellings at the rear of 3 frontage dwellings would substantially erode the openness of the area, and its verdant character.
7. The trees labelled T5, T8 and T9 are of high quality and with the tree labelled T20 within the neighbouring church yard are of high amenity value. The raising of canopies, pruning and loss of trees, most particularly the loss of the beech tree T8, which has a substantial canopy would erode the verdant character of the CA.
8. The loss of trees would be contrary to guideline G6 of the appraisal which states that existing trees should be retained unless they are dead, or imminently dangerous. Although T8 has some bark exundation, the appellant survey still estimates it as having some 40 years life remaining.
9. The dwellings at the rear would be sited close to the canopies of retained trees, which would lead to pressure for extensive cutting back of the substantial trees nearby in the churchyard, and the retained trees on the site. This would over time further harm the verdant character of the CA. I note also that trees in adjacent No 4 on the frontage overhang the proposed driveway. Again, I consider that this would lead to pressure to severely prune these trees
10. I accept that control could be exercised by protecting the remaining trees with tree preservation orders, but close proximity of dwellings to trees is not desirable in terms of living conditions because of shading to gardens, leaf litter, and potential for damage to buildings. That there are trees close to buildings elsewhere does not mean that such relationships should be promoted. I conclude that the development would be contrary to Sutton Local Plan 2016-2031 (LP) policy 28 that, amongst other matters, expects development to respond to natural features and retain trees. Furthermore, the development because of its effect on openness and the verdant character of the conservation area would fail to preserve its character or appearance.
11. The upper part of the dwellings would be plainly visible above the boundary walls, reducing openness, as demonstrated in the photomontages. Furthermore, the rear development is not characteristic in terms of its layout with the frontage development that predominates locally, albeit that there is one example of backland development cited within the vicinity. These hard edges to the development would overly assert themselves on the openness of the churchyard. LP policy 13 specifies that the Council will not grant planning

- permission for development of back garden land where the site makes an important contribution to the character and appearance of the surrounding area
12. The substantial area of hardstanding central to the site for car parking is also uncharacteristic in an area where much of the car parking is on-street, without substantial hard surfaced car parks dominating residential developments.
 13. I acknowledge that there are some quite small plots within the CA and that the London Plan and the LP policy 7 promote higher densities. Nonetheless, when this is combined with harm to openness and the verdant quality of the area, and the uncharacteristic layout, the overall effect would fail to preserve or enhance the character or appearance of the CA even if sympathetic material were used.
 14. I note that there was a planning permission for redevelopment granted by the Council many years ago. I only have a layout plan of that development¹ but that does not show extensive development of the rear garden area. I have little information about it to be able to determine its relevance if any to the appeal scheme. I have nothing to suggest that it could still be implemented and would be a fallback. The acceptability of the principle of residential development in a residential street within Carshalton is not disputed.
 15. More recently, a previous scheme for the site was refused planning permission and an appeal has been dismissed². I understand that the decision is in the process of being challenged but it remains extant. I have paid careful attention to that decision, and the comments made about it, but it is a distinctly different scheme. It is not therefore for me to comment on that decision, except to the extent that this is a different scheme, and one to which no objections have been raised in connection with the relationship to the grade II listed boundary wall and grade II* church by the Council or Historic England. I have no reason in this case to disagree with those conclusions. I am determining this scheme on its own individual merits.
 16. The National Planning Policy Framework (the Framework) identifies 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Where a development proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits, including where appropriate, securing its optimum viable use. This is reflected in LP policy 30.
 17. I conclude that the harm to the heritage asset would be in the scale of less than substantial harm given the extent of the conservation area and the removal of an uncharacteristic building. I accord this less than substantial harm great weight.
 18. Turning to public benefits. The appellant has provided a list but has given little by way of quantification to most. Not all of the site is previously developed as much is garden land. CIL contributions would mitigate the effects of development and so are not benefits. Compliance with the Mayor's energy hierarchy is a compliance requirement. There could be some limited ecological

¹ Design and Access Statement figure 3

² APP/P5870/W/19/3224943 dated 3 September 2019

benefits but there would also be harm to trees. There would be a slight public benefit in removing the rectory which is an uncharacteristic building in the conservation area. Further, there would be 7 family sized houses provided. This would only be a modest provision of housing, albeit that the Framework seeks to boost the supply of housing and there is a significant shortfall across the capital. There would be some economic benefits in construction and future expenditure of residents.

19. The public benefits are modest and would not be of a scale sufficient to outweigh the great weight that I have accorded the harm to the significance of the conservation area. The harm to the conservation area would be contrary to London Plan policy 3.4, 3.5, 7.4 and 7.8 and LP policies 13, 28 and 30.
20. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Julia Gregory

Inspector