



Appeal Decision

Site visit made on 20 January 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2020

Appeal Ref: APP/P5870/W/19/3240699

88 Stafford Road, Wallington SM6 9AY

- 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 D Steer (Junction 7 Investments Ltd) against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/00392, dated 28 February 2019, was refused by notice dated 10 May 2019.
 - The development proposed is the demolition of existing rear workshop and erection of a ground floor rear extension in connection with the provision of one 2-bedroom flat. Erection of first floor rear extension and conversion of loft space to create one 1-bedroom flat, including the formation of front and rear dormers and two roof lights to the front roof slope, together with the conversion of the existing first floor 2-bedroom flat into 1-bedroom flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether the proposed development would provide acceptable living conditions for future occupiers with particular regard to the provision of shared access space and with specific reference to the future occupiers of flat 3.

Reasons

Shared Access Space

3. At the side of the existing building is a timber gate, behind which is a passageway that continues for the length of the main building and the string of existing structures at the rear of the site. The layout of the proposed development results in this access being the sole route to one of the proposed residential units, with the refuse and cycle stores for all 3 units also being accessed from this passage. As part of the works to the existing building an existing 'pinch-point' along the passageway would be widened.
4. The first part of the passageway would remain enclosed by the flank walls of 86 and 88 Stafford Road, with the remainder of the route enclosed by fencing and the walls of the proposed extension. The length, narrowness and the enclosure of the passageway means that it would not be an attractive route and would not represent design of the highest standard. This would create an unattractive approach to the proposed ground floor unit, that would be

detrimental to the living conditions of future occupiers, particularly as it would be the sole means of access.

5. The occupiers of Flats 2 and 3 would have an alternative access and would, therefore, only be likely to use the passage to access their storage facilities. As such there would be few instances of the access being used simultaneously. On the occasions where it might occur, the level of inconvenience would be low. Whilst the passageway might be of sufficient width to comply with the requirements of Building Regulations, provide a functional access and enable the delivery of items such as white goods, thereby complying with part of the requirement of policy 28 of the SLP, this does not address the additional requirement of that policy for development to be of a high standard and attractive.
6. An example of a similar access at 125 Stafford Road has been brought to my attention, but insufficient details of planning history of that site have been provided to enable me to afford that example more than minimal weight. In any event, although the gap between the fence and the building might be of comparable width, the gap between buildings appears to be wider. Accordingly, the sense of enclosure along the access would not be the same as that which exists at this site.
7. Accordingly, the proposal would not provide suitable living conditions for future occupiers as a result of the proposed access being unattractive. The proposal therefore conflicts with the part of policy 28 of the SLP which requires that developments are designed to the highest standard and create attractive public and private spaces.

Living Conditions

8. The building at the appeal site would be adapted and extended to enable the creation of 3 residential units. Flat 3, which would include habitable floorspace over two floors, is identified on the submitted plans as a 1 bedroom 2 person flat. The size of the bedroom is large enough for two people and would exceed the minimum size standard for a 2 person bedroom, as defined by the Technical Housing Standards - Nationally Described Space Standard (THS).
9. Policy 9 of the SLP requires that residential developments meet the internal space standards that are contained within the London Plan (LP), adopted 2016. Both policy 3.5 of the LP and the THS state that a flat of the abovementioned specification should have an overall floorspace that measures in excess of 58 square metres. The proposed flat would not comply with that standard and, therefore, would not provide adequate living conditions to serve future occupiers.
10. Due to the size of the bedroom, it is likely that the flat would be occupied by 2 people. A condition limiting its occupancy to not more than one person would not be enforceable. Therefore, and as the flat includes internal accommodation over two floors, the development plan policies require compliance with the standard that has been set out above. Accordingly, other standards that have been suggested by the appellant are not applicable to this proposal.
11. For the reasons given above, the proposal would not provide acceptable living conditions for future occupiers due to the substandard level of internal space within Flat 3. The development would not, therefore, accord with policy 9 of

the Sutton Local Plan 2016-2031 (SLP) which requires that development proposals provide suitable living conditions, consistent with policy 3.5 of the LP which states that housing development should be of the highest internal quality.

Other Matters

12. The replacement of the existing string of single storey structures at the rear of the site would represent the enhancement of the appearance of the site. The site is also in a reasonably accessible location and is within the local centre of Wallington. Furthermore, the proposal would represent an increase of housing supply and a more efficient use of land, which is encouraged by the National Planning Policy Framework even where a 5 year housing land supply is available. However, these benefits do not outweigh the harm that would be caused by providing inadequate living conditions.
13. The proposal would also see the increase of the size of the ground floor retail unit at the site. However, as no evidence has been provided in respect of the need for retail space at this location, this does not lead me to reach a different conclusion in respect of the main issue.
14. I am aware of the history of the site and the complaints about the way that the application was determined and the content of pre-application advice. However, these matters do not overcome or outweigh the concerns raised above.

Conclusion

15. For the reasons given above, the proposal would not provide adequate living conditions for all future occupiers with particular regard to the provision of shared access space and with specific reference to the future occupiers of flat 3. Whilst benefits would arise from the proposed development in terms of the increase to housing supply in an accessible location and the enhancement of the appearance of the built form at the site, these aspects of the proposal do not outweigh the harm that would arise. Accordingly, the development would be contrary to the development plan as a whole. I therefore conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR