
Appeal Decision

Site visit made on 4 February 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2020

Appeal Ref: APP/P5870/W/19/3236558

49 William Road, Sutton SM1 4QT

- 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 Vik Sharma against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2018/02275, dated 20 December 2018, was refused by notice dated 4 March 2019.
 - The development proposed is conversion of existing dwelling to provide 2 self-contained units, including a single storey rear extension and provision of a first-floor balcony with privacy screens.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development from the Council's Decision Notice as this is a better description of the development proposed.

Main Issues

3. The main issues are the effect of the proposed development on 1) the supply and choice of housing available within the Borough with regard to development plan policy, and 2) the living conditions of occupants of 47 and 51 William Road with regard to privacy and possible overlooking.

Reasons

Supply and choice of housing

4. The appeal property is a three-storey terraced house located in a predominantly residential area. The proposal involves the conversion of the existing single dwelling into two flats.
5. Policy 10 of the Sutton Local Plan (2018) outlines that the Council will grant planning permission for development involving the conversion of existing dwellings to provide new self-contained housing units, provided that, amongst other things, the Gross Internal Area (GIA) of the dwelling considered for conversion is at least 125m² (excluding extensions, garages and loft space) and the dwellings proposed meet the Mayor's internal space standards.

6. The GIA of the original dwelling, excluding extensions, has been stated as approximately 94.44m². This would fall short of the GIA required by Policy 10 which permits the conversion of dwellings to new self-contained flats provided they are at least 125m². The supporting text of the policy outlines that as 2 and 3 bedroom market houses are the most required type of housing, it is considered necessary to limit the number lost to flat conversion. Consequently, the council do not permit the conversion of houses of less than 125m² to flats.
7. Although it appears from the submitted plans that the appeal property currently has more than 3 bedrooms, I find that its loss to allow the creation of two one-bedroom flats would constitute the loss of a traditional family sized dwelling which the Council have identified to be in high demand.
8. It may be argued that the impact of the proposal on overall housing numbers would be very low, however the cumulative impact of such incremental changes would have significant effects.
9. Although the proposed dwellings would meet the Internal Space Standards as outlined in the London Plan (2016) the Council consider that there is insufficient space to provide two suitably sized self-contained flats. I find that the size of the proposed dwellings, which would comply with the standards set out in the London Plan, would be of a sufficient size to provide suitable living accommodation.
10. Therefore, the conversion of the premises would result in the loss of a family sized dwelling, unacceptably harming the supply and choice of residential properties in the Borough, contrary to the aims of Policy 10 of the Sutton Local Plan (2018).

Living conditions

11. A roof terrace is proposed to be sited on top of the proposed single storey rear extension. It includes the provision of a 1.8m high privacy screen to each side.
12. The roof terrace would no doubt facilitate a greater range of views that are not currently available. These would be towards the rear gardens, primarily of properties either side of the appeal site. This situation is commonplace in urban environments, although generally it is from upper floor windows. Nevertheless, mutual views into rear gardens is a prevalent feature of such an environment.
13. Due to the position and height of the proposed privacy screens, combined with the depth of the terrace, and siting of windows in the rear elevations of adjacent properties, views directly through the windows of the residential properties either side would be extremely limited or not possible.
14. The proposal therefore would not cause unacceptable harm to privacy or from overlooking or perceived overlooking. It would comply with Policy 29 of the Sutton Local Plan (2018) which seeks, amongst other things, to avoid development adversely affecting the amenity of adjoining residential properties, taking into consideration the impact of overlooking causing loss of privacy and how this is addressed by design or separation.
15. The proposal would also comply with Supplementary Planning Document (SPD) 4 – Design of Residential Extensions which outlines, amongst other things, that the use of flat roofs as balconies close to the boundary where overlooking would become an issue will not be acceptable.

Other Matters

16. The appellant considers that, based on the figures they have provided, it is highly likely that there will be a five-year housing land shortage in the Borough and as such the proposal would fall under a presumption in favour of sustainable development as outlined in the National Planning Policy Framework (the Framework). Despite reference to the figures from the London Strategic Housing Land Availability Assessment (SHLAA) (2017), and the DCLG assessment of housing requirement for the Borough of Sutton, I find little substantive evidence to contradict the evidence put forward by the Council. The Council consider they have demonstrated in their 'Five Year Housing Land Supply Assessment 2018-2019 to 2022-2023' (2018) the ability to meet their minimum housing target for the five-year period. I find the Council's evidence to be more up-to-date and of more relevance on a local level. I accordingly give it greater weight.
17. Even if I were to conclude there is a shortfall in the five-year housing land supply on the scale suggested by the appellant, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the provision of one additional dwelling when assessed against the policies in the Framework taken as a whole, which include a requirement for planning policies to reflect the needs of different groups, including, but not limited to, families with children.
18. The appellant suggests, in support of the proposal, that it would result in two-good quality dwellings to replace one poor quality dwelling. Based on the information before me I do not find that the living conditions of the existing dwelling are of such poor quality to justify departing from the development plan. I therefore give this argument little weight.
19. I dismiss the appellant's suggestion that despite a Public Examination of the Local Plan it does not mean the Inspector has examined and assessed every policy. I have no evidence before me to suggest any flaws in the examination or adoption of the local plan that would challenge its status in the context of S38(6) of the Planning and Compulsory Purchase Act 2004.

Conclusion

20. Although I have found no harm in respect of the living conditions of occupants of 47 and 51 William Road with regard to privacy and possible overlooking, or the size of the proposed units, this does not overcome the harm I have found to the supply and choice of housing.
21. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR