



Appeal Decision

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2020

Appeal Ref: APP/P5870/W/19/3242911
71-73 Stonecot Hill, Sutton SM3 9HJ

- 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 Leung against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/00689, dated 8 April 2019, was refused by notice dated 12 June 2019.
 - The development proposed is the conversion of upper floor flat into 2 self-contained flats, erection of a dormer extension at rear and provision of a bin store at ground floor level.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the proposed development from the Council's Decision Notice, because it more accurately describes the proposal.
3. In light of the Covid-19 coronavirus pandemic, the consequent travel limitations, and following consideration of the grounds of appeal and the submitted evidence, my view is that this appeal could, exceptionally, be determined without the need for a site visit. I sought the views of the main parties and no objections to this approach were received within the specified timescales.
4. Policy 37 (Parking) of the Sutton Local Plan February 2018 (SLP) includes reference to parking standards contained in Appendix 11. However, Appendix 11 was not provided in the submitted evidence. The Appellant subsequently provided a copy of this document and I have had regard to it in determining this appeal.
5. The Council also states that the site is in an area with a Public Transport Accessibility Level (PTAL¹) rating of 2. Again, no evidence to support this statement was initially provided, but the appellant has also provided confirmation of the site's PTAL 2 rating.

Main Issue

6. The main issue is the effect of the proposal on car parking provision in the area.

¹ There are nine grades in Transport for London's PTAL system, with 0 the least accessible and 6b the most.

Reasons

7. The appeal building is within a short parade of shop-type uses on the eastern side of Stonecot Hill. There is a service road to the rear of the parade and a lay-by to the front. The lay-by, whilst part of the highway, is separated from the main A24 trunk road by a refuge area containing car parking spaces; there are further parking spaces on the other side of the lay-by, along the length of the parade.
8. The Design and Access Statement refers to 2 existing car parking spaces to the rear of the property, but these are not referenced on the application form or in the appellant's Statement of Case, and are not shown on the submitted drawings. From the evidence I am not satisfied that the appeal property has any existing car parking spaces to the rear.
9. The proposed development would entail the conversion of a single duplex dwelling above a restaurant into two 2-bedroom duplex flats. The existing dwelling is accessed from the front, by a separate doorway to the restaurant. As part of the proposal, a new access to both flats would be provided to the rear, with the existing front access to one of the flats retained. No parking spaces would be provided for either of the proposed dwellings.
10. The appellant states that nine people currently occupy the existing dwelling, whilst a total of six people would occupy the proposed flats. Notwithstanding the reduction in occupiers that would occur following the development, the occupation by two separate households, each with their own needs, would still represent an intensification of the use of the property.
11. The existing occupiers are said to be employed in the ground floor restaurant and the proximity of their workplace would reduce their need for a car somewhat. However, there is no evidence that the future occupants would have any connection with the ground floor restaurant in terms of employment.
12. The appeal property is within a local centre, with a supermarket some 150 metres away, and so is well catered for in terms of groceries and some other High Street uses. There are also bus stops close to the appeal property served by two routes, and a railway station some distance further away. However, no details of the frequency or destinations of services is provided.
13. Whilst some shopping and leisure needs could be met in the local area, it is unlikely that a local centre would be of a scale so as to be able to meet all the needs of future occupiers. No detailed information regarding the number or types of uses to be found in the centre has been submitted. Furthermore, no information regarding the accessibility of health, education or other public services; outdoor recreational facilities; or, employment opportunities has been provided.
14. An area with a PTAL 2 rating does not have good public transport accessibility. Consequently, future occupiers of the proposed flats would be likely to need private cars to meet many of their day-to-day needs.
15. Policy 37 of the SLP directs that new developments should provide car parking in accordance with the standards contained in Appendix 11, which in this case

would be a total of two parking spaces². However, in a PTAL 2 area this should be assessed on a case by case basis³.

16. The evidence⁴ shows that there are car parking spaces by the lay-by to the front of the parade. However, as these are located on a designated Red Route, no parking is permitted between 7.00am and 7.00pm Monday-Saturday⁵. I am not satisfied that this arrangement, requiring a continuous absence of a vehicle for 12 hours, six days a week, would be suitable for future occupiers, including those with jobs.
17. Furthermore, there is no substantive evidence that any of these spaces are restricted other than as part of the Red Route. They could, therefore, be occupied by people visiting the ground floor restaurant, or other similar uses within the parade during the evening, rather than the future occupiers of the proposed dwellings.
18. The appellant also refers to available on-street parking spaces on the nearby Ash Road. However, the Figure 5 photograph provides only a point-in-time position, without any details such as a time or date, and which is not supported by any further evidence as to the on-street parking capacity of Ash Road or any restrictions that may apply there. The proximity of Ash Road to a local centre means that it is likely to attract some overspill on-street parking, which would be worsened by the appeal development.
19. It has not been demonstrated that the proposed development, in an area which has poor public transport accessibility and where public car parking provision is restricted, should not accord with the maximum parking standards contained in Appendix 11 of the SLP.
20. For these reasons the proposed development would have an adverse impact on car parking provision in the area and would conflict with Policy 37 of the SLP.

Other Matters

21. Prior to the creation of the existing flat, the upper floors were said to contain two flats. However, no evidence has been offered to substantiate this. Even if I were to accept that there had been 2 flats at the appeal property at some point in the past, this would not mean that the appeal development would be acceptable. Each proposal should be considered on its individual merits, with appropriate regard to the development plan and material considerations, which is what I have done in this case.
22. The Council's decision notice includes reference to the proposed development conflicting with Policy 36 (Transport Impact) of the SLP. From the evidence, there would be no conflict between the proposal and Policy 36.

Conclusion

23. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is dismissed.

Andrew Parkin

INSPECTOR

² The Council's Officer report incorrectly states that 2 off-street spaces would be required per dwelling.

³ Note 3 Table 11.4 of Appendix 11 of the SLP.

⁴ Figure 5 of the Appellant's Statement.

⁵ Other than for a maximum of 20 minutes for loading or 3 hours for disabled people.