
Appeal Decisions

Site visit made on 4 August 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2020

Appeal A Ref: APP/P5870/W/20/3246857

4 The Parade, Stafford Road, Wallington SM6 8ND

- 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 N Siddiqui against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/01023, dated 14 June 2019, was refused by notice dated 4 September 2019.
 - The development proposed is erection of a single storey rear extension comprising a studio flat and relocation of external staircase.
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Appeal B Ref: APP/P5870/W/20/3246858

4 The Parade, Stafford Road, Wallington SM6 8ND

- 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 N Siddiqui against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/01844, dated 31 October 2019, was refused by notice dated 17 December 2019.
 - The development proposed is erection of a single storey rear extension comprising a studio flat and relocation of external staircase, including the provision of one car parking space.
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Decision

1. The appeals are dismissed.

Preliminary Matters

2. The descriptions of proposed development shown on the appellant's appeal forms are more precise than that shown on the planning application forms. I have therefore used these descriptions in the heading above and determined the appeals on this basis.
3. As set out above there are two appeals on this site. They differ in that the layout of the proposal in Appeal B has been arranged to include the provision of one on-site parking space at the rear. I have considered each proposal on its own individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Main Issues

4. The first main issue for both appeals is the effect of the proposed development on the living conditions of future occupiers, with particular regard to the internal ceiling height, sunlight and daylight, outlook and external amenity space provision.
5. The second issue for Appeal A is the effect of the proposed development on highway safety, with particular regard to pressure for on-street parking.

Reasons

Living conditions

6. There is no dispute between the main parties that the floor area of the proposed dwelling for both appeals, at around 40 square metres, would comply with the national and London Plan standards. The national standard being stated in the Technical Housing Standards – nationally described space standard (the NDSS). However, the Council is concerned that the headroom of the proposed dwelling would be below the standard set out in the London Plan.
7. The NDSS requires that for 75% of the floor area of a dwelling its floor to ceiling height should be a minimum of 2.3 metres, while the London Plan (Policy 3.5) substitutes 2.5 metres for 2.3 metres as the minimum floor to ceiling height. The London Plan's more onerous floor to ceiling height requirement being intended to address London's 'heat island' effect, albeit it is expressed in terms of being a preferred rather than absolute requirement.
8. Both appeal schemes would have a floor to ceiling height of 2.4 metres, which would exceed the NDSS but be slightly below the preferred London Plan standard. Taking into consideration that the entire floor area would have a floor to ceiling height of 2.4 metres, I find that it would provide a sufficient amount of internal space for future occupiers.
9. Both appeals would have a single clear window in the front wall. I note that Appeal A would also have 2no windows in the western-facing side elevation, however as they would be high-level obscure-glazed windows facing the side boundary they would not provide outlook. The 2no rooflights would provide some sky views for both appeal proposals but there would only be one clear window opening in the external walls. That window would itself have limited outlook onto a small and enclosed garden. As such, the living accommodation would feel oppressive and enclosed for future occupiers and therefore would not provide adequate outlook.
10. Notwithstanding that the front window would be north-facing, I consider that the openings would provide an adequate amount of daylight and sunlight to the living accommodation.
11. Turning to the outdoor amenity area, whilst the size of the garden for both appeals would meet the London Plan standards, they would not provide an attractive space for future occupiers. In particular, the garden for Appeal A would be sited close to the service road and enclosed considerably by adjacent buildings, and the small garden for Appeal B would be sandwiched awkwardly between the proposed parking space and the dwelling. This factor would play a part in the overall poor living environment for future occupiers.

12. For the above reasons, I conclude that the proposed development for Appeal A and Appeal B would be harmful to the living conditions of future occupiers in respect of outlook and external amenity space provision. The proposals would therefore be contrary to Policy 3.5 of the London Plan 2016, Policy S9 of the Sutton Local Plan 2016 – 2031 and guidance in the Sutton Creating Locally Distinctive Places Supplementary Planning Document 2008, which, amongst other things, seek housing developments that are of the highest quality internally, externally and in relation to their context and to the wider environment.

Highway Safety

13. The appeal site is located to the rear of Stafford Road Local Centre, which provides a range of shops and facilities. There are also nearby bus stops in Stafford Road. Whilst I observed on-street parking in the surrounding streets, there is no substantive evidence before me to show that pressure for on-street parking is currently causing highway safety problems.
14. Given the location of the appeal site close to shops, facilities and passenger transport services, there are travel options available other than the private car. In this regard, the proposal for one studio flat would not cause a significant increase in demand for on-street parking and therefore it would not be harmful to highway safety.
15. I note that the Council has referred to a cumulative impact in combination with a previous planning permission¹ at No 5 The Parade. However, the Council considered the highways impact from the previous permission to be acceptable and there is no substantive evidence before me to show that the proposal would cause an adverse cumulative effect that would be harmful to highway safety.
16. Furthermore, the proposed dwelling would be serviced in the same way as the existing 3 dwellings at Three Angels Close and the previously approved development at No 5 The Parade, which is acceptable.
17. For these reasons, I conclude that the proposed development for Appeal A would not be harmful to highway safety. The proposal would therefore accord with Policies 36 and 37 of the Sutton Local Plan 2016 – 2031, which, amongst other things, state that development proposals should be located so as to minimise any adverse impact on the highway network and maximise the use of sustainable modes of transport.

Other Matters

18. I have had regard to the previous planning permissions granted by the Council at Nos 5 and 8 The Parade, however they are not directly comparable to the proposals before me and I have nevertheless determined the appeal schemes on their own individual merits. Moreover, I am not bound by other decisions made by the Council.
19. The appeal schemes would make efficient use of previously developed land in an accessible location and help meet the need for additional homes. Nevertheless, the contribution provided by one dwelling would be limited. Furthermore, there would be modest economic advantages from the

¹ Council's reference: DM2018/00253.

construction and occupation of the proposed dwelling. However, these factors would not overcome the harm I have identified.

Conclusion

20. The proposed development for Appeal A and Appeal B would be harmful to the living conditions of future occupiers in respect of outlook and external amenity space provision. Whilst I have found that Appeal A would not have an adverse effect on highway safety this would not overcome the harm I have identified.
21. For the reasons given above, and having had regard to all other matters raised, I conclude that Appeal A and Appeal B should be dismissed.

C Osgathorp

INSPECTOR