The Planning Inspectorate

Appeal Decision

Site visit made on 20 October 2020

by D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 20 November 2020

Appeal Ref: APP/P5870/W/20/3252893
238 London Road, Hackbridge SM6 7EA

- 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 Faab Global against the decision of the Council of the London Borough of Sutton.
- The application Ref DM2020/00253, dated 14 February 2020, was refused by notice dated 23rd April 2020.
- The development proposed is erection of a two storey side extension with a hipped roof to provide a single dwelling house with a garden and off street car parking on land adjoining 238 London Road, together with alterations to the roof profile of 238 London Road.

Decision

1. The appeal is allowed and planning permission is granted for erection of a two storey side extension with a hipped roof to provide a single dwelling house with a garden and off street car parking on land adjoining 238 London Road, together with alterations to the roof profile of 238 London Road at 238 London Road, Hackbridge, SM6 7EA in accordance with the terms of the application Ref DM2020/00253 dated 14 February 2020 subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Faab Global against the Council of the London Borough of Sutton. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effects of the proposed development on :

- the character and appearance of the host building and the surrounding area.
- local highway conditions, with particular regard to whether the parking provision would create an acceptable layout and ensure the safety of users of the highway.

Reasons

Character and appearance

4. The character of the area is informed by its residential nature, which is suburban in feel and typified by 2 storey houses of traditional appearance. To the rear of site the semi detached properties on Elmwood Close exhibit a high degree of consistency in layout and general appearance. The semi detached property on the appeal site shares the characteristics of the Elmwood Close houses, but fronts London Road where there is a lower degree of consistency in terms of the position, form and appearance of properties, with some terraced houses also forming part of the general context.

5. The appeal property was designed to be one half of a pair of dwellings. However, the greater lack of general consistency on this part of London Road means that adding a 2 storey structure to the appeal property would not significantly disrupt an established pattern of development that contributes strongly to the character of the area.

6. It is also of note that the property on the opposite corner of Elmwood Crescent (No.240) has an addition that is of a similar form to the proposed development. Whilst I accept that this extension is historic, it informs the immediate context of the site.

7. Although not identical, this extension is of relevance to the appeal proposal as it would bring an element of consistency to the two properties that would assist in assimilating the proposal into the surroundings. The other examples of development in the local area referred to by the Council and the Appellant are of less relevance as they do not inform the immediate context.

8. The junction of Elmwood Crescent creates a gap between built forms that contributes positively to the overall street scene by providing a sense of openness. The gap mostly exists as a result of the space across the road junction, which would remain.

9. The proposal would decrease the size of the gap at first floor, with a consequent reduction in the sense of openness that would be perceived mainly when travelling towards the site along Elmwood Crescent. Notwithstanding this, the extent of reduction resulting from the proposal would not be such that it would negatively effect the overall contribution the gap makes to the street scene.

10. The proposal would bring a greater scale of built development closer to the Elmwood Crescent side of the site. However, this scale is consistent with other built forms in the surroundings and would not appear to dominate the street scene.

11. The existing house sits in a generous corner plot and the proposed dwelling would in part replace a single storey extension. As such, the proposal would not negatively reduce the space around the site or result in a cramped form of development.

12. For the above reasons the proposal would not have a harmful effect on the character and appearance of the host building and the surrounding area. Consequently I do not find conflict with Policies 3.5 and 7.4 of the London Plan, 27 of the Sutton Local Plan, or H&BEP1 of the Hackbridge and Beddington Corner Neighbourhood Plan which collectively seeks to achieve well designed development and places, that respects the local context and makes a positive contribution to the character of the area.

Local highway conditions

13. It is indicated that 1 car parking space would be provided for each of the 2 dwellings. This would be achieved through minor changes to the front area of the property that already serves as a parking area for the existing dwelling. Vehicle access to the parking area from the street would be via a dropped kerb close to the corner of London Road and Elmwood Close in much the same way as existing. Given the corner location, there is a likelihood that the dropped kerb is also utilised by pedestrians crossing the road.

14. Whilst there would be an element of shared use of the kerb, the Council present limited specific evidence to show that a single additional dwelling would result in significant intensification in use of the access or that the existing arrangements represent a risk to highway safety that would render any additional use of it unacceptable.

15. As such, it has not been demonstrated that the proposed development would result in harm to local highway conditions when particular regard is paid to whether the parking provision would create an acceptable layout and ensure the safety of users of the highway. Consequently, I do not find conflict with Policy 37 of the Sutton Local Plan as it relates to the safe and efficient operation of the transport network.

Conditions

16. I will consider conditions by reference to the numbering in the attached schedule.

17. Condition (2) is necessary in the interests of certainty.

18. Conditions (3), (11) and (14) are necessary in to order ensure a satisfactory standard of external appearance and landscaping.

19. Conditions (4), (5) and (8) are necessary in the interests of making sure that development is energy efficient and contributes towards a reduction in CO2 emissions.

20. Conditions (6) and (7) are necessary in the interests of ensuring that adequate provision is made for surface water run off and other drainage. Condition (6) needs to be a pre commencement condition as such measures cannot be easily retrofitted.

21. Conditions (9) and (10) are necessary to ensure that provision is make for waste and cycle storage and car parking before the development is brought into use.

22. Conditions (12) and (13) are necessary in order to manage the development during construction in the interests of ensuring the safe operation of the highway and protecting the living conditions of those living nearby. Condition (11) needs to be a pre commencement condition as some of the measures need to be in place before works start on site.

Conclusion

23. For the above reasons, and having regard to all other matters raised I conclude that the appeal should be allowed.

D.R. McCreery

INSPECTOR

Schedule of conditions

(1) The development must be begun not later than the expiration of three years beginning with the date of the grant of permission.

(2) The development shall be carried out in accordance with the following drawings/details: B3 003573 - 106 C; B3 003573 - 108 D; B3 00357 - 107; B3 003573 - 100; B3 003573 - 101; B3 003573 - 102; B3 003573 - 103 F; B3 003573 - 104 F.

(3) All external facing materials, treatments and finishes shall be similar to those of the existing dwelling (238 London Road) and maintained and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

(4) Prior to development above slab level, an Energy Statement incorporating 'as-designed' Standard Assessment Procedure (SAP) outputs must be submitted to the Local Planning Authority and approved in writing which demonstrates how the new dwelling will apply the Mayor's energy hierarchy (use less energy, supply energy efficiently and use renewable energy) to achieve at least a 35% reduction in CO2 emissions below the target emission rate (TER) based on Part L1A of the 2013 Building Regulations and at least a 10% reduction in total emissions (regulated and unregulated) through on-site renewable energy generation. The development must exceed the minimum Part L1A emissions standards through energy efficiency measures alone. The development shall be carried out in accordance with the approved Energy Statement unless otherwise agreed by the Local Planning Authority.

(5) Prior to first occupation of the dwelling, as-built' Standard Assessment Procedure (SAP) outputs must be submitted to the Local Planning Authority and approved in writing to demonstrate that the development has been carried out in accordance with the approved details. If the development is unable to meet the required reduction in CO2 emissions through the approved energy strategy, then any shortfall shall be made up through the application of further sustainability measures. All of the approved measures must thereafter be retained for as long as the development is in existence.

(6) Prior to the commencement of development, a scheme for the management of surface water run-off must be submitted to the Local Planning Authority and approved in writing which identifies appropriate site drainage and flood risk management measures, including SuDS, in order to manage surface water run-off as close to its source as possible in accordance with the Mayor's drainage hierarchy in London Plan Policy 5.13. The submitted scheme must:

(i) provide details of the design storm period and intensity, the outcome o infiltration testing, proposed SuDS measures to delay and control the rate of surface water discharged from the site and further proposed measures to prevent pollution of the receiving groundwater and/or surface waters;

(ii) include calculations carried out by an appropriately qualified professional to show that the peak run-off rate for the 1 in 100 year 6-hour rainfall event (plus 40% for climate change) will be as close as reasonably practicable to the greenfield run-off rate for the same event;

(iii) where greenfield run-off rates cannot be achieved, evidence should be provided to justify the proposed measures and to demonstrate that the peak run-off rate for the 1 in 100 year 6-hour rainfall event (plus 40% for climate change) will be no more than 3 times the calculated greenfield run-off rate for the same event; and

(iv) demonstrate that the 1 in 30 year rainfall event (plus 40% for climate change) can be contained without flooding; any flooding occurring between the 1 in 30 and 1 in 100 year event (plus 40% for climate change) will be safely contained on site; and that rainfall in excess of the 1 in 100 year event is managed to minimise risks.

(7) Prior to first occupation of the dwelling, written confirmation that the approved site drainage and flood risk management measures, including SuDS, have been implemented as part of the development as built must be submitted to the Local Planning Authority and approved in writing. Where different from the approved details, further calculations carried out by an appropriately qualified professional must be provided to show that the peak run-off rate for the 1 in 100 year 6-hour rainfall event (plus 40% for climate change) will be as close as reasonably practicable to the calculated greenfield run-off rate for the same event and no more than 3 times the calculated greenfield run-off rate for the same event. All of the approved measures must thereafter be retained for as long as the development is in existence.

(8) Prior to first occupation of the dwelling, a completed Water Efficiency Calculator for New Dwellings must be submitted to the Local Planning Authority and approved in writing to show that internal potable water consumption will be limited to 110 litres per person per day (l/p/d) based on the Government's national calculation method for water efficiency for the purposes of Part G of the Building Regulations. The Water Efficiency Calculator should be accompanied by details of the location and type of all appliances or fittings that use water, the capacity or flow rate of any equipment and any rainwater or greywater collection systems incorporated as part of the development.

(9) The development shall not be occupied until the cycle and refuse storage indicted on the approved drawings has been fully implemented. The storage shall be retained for the life of the development unless otherwise approved in writing by the Local Planning Authority.

(10) Prior to occupation of the development the car parking shall be laid out in accordance with drawing no. B3 003573 - 108 D and shall be retained thereafter for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.

(11) Prior to the occupation of the development hereby approved details of the boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented prior to occupation of the development.

(12) No development shall begin, including demolition and site clearance works, until a Construction Logistics Plan (CLP), to include details of: (a) loading and unloading of plant and materials; (b) storage of plant and materials; (c) programme of works (including measures for traffic management); (d) provision of boundary hoarding, behind any visibility zones of construction traffic routing; (e) hours of operation; (f) means to prevent deposition of mud on the highway have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved statement.

(13) The site and building works required to implement the development shall be only carried out between the hours of 08.00 and 18.00 Mondays to Fridays and between 08.00 and 13.00 on Saturdays and not at all on Bank Holidays and Sundays

(14) Prior to the occupation of the development, full details of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscaping and tree planting shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards (in particular, BS 3882: Specifications for Topsoil, Recommendations (2015) and BS 8545: Trees from Nursery to Independence in the Landscape, Recommendations (2014) or other recognised codes of good practice). The works shall be carried out prior to the occupation of any part or relevant phase of the development or in accordance with the timetable agreed with the Local Planning Authority. Any tree(s) or plants that (within a period of five years after planting) are removed, die, or (in the opinion of the Local Planning Authority) are damaged or defective shall be replaced as soon as is reasonably practicable with others of a similar size/species/number as originally approved, unless the Local Planning Authority gives its consent to any variation.