

---

# Appeal Decision

Site visit made on 6 November 2020

**by R Jones BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 01 December 2020**

---

**Appeal Ref: APP/P5870/W/20/3249842**  
**599 London Road, North Cheam SM3 9AG**

- 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 Envoy (Cheam) Limited against the decision of London Borough of Sutton.
  - The application Ref DM2019/02068, dated 5 December 2019, was refused by notice dated 16 March 2020.
  - The development proposed is alterations and single storey rear extension to create two bed flat with cycle and bin stores and landscaping.
- 

## Decision

1. The appeal is allowed and planning permission is granted for alterations and single storey rear extension to create two bed flat with cycle and bin stores and landscaping at 599 London Road, North Cheam SM3 9AG in accordance with the terms of the application, Ref DM2019/02068, dated 5 December 2019, and the plans submitted with it, subject to the conditions in the attached schedule.

## Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application form.

## Main Issues

3. The main issues are:
  - Whether the appeal proposals provide a satisfactory standard of accommodation for future occupiers, in respect of outlook.
  - The effect of the appeal proposals on on-street parking and local highway conditions.

## Reasons

### *Standard of accommodation*

4. No.599 London Road (No.599) is a two-storey mid-terrace property with a shop unit at ground floor and a flat above. At the time of my site visit building work

was being undertaken to the first floor and roof. The appeal proposal is to extend the ground floor of No.599 to accommodate a two-bedroom flat to the rear of the shop unit. The two-bedrooms would be on the north-eastern side with their windows overlooking the common boundary with No.601 London Road (No.601) at a distance of around 1.2m.

5. The recent two-storey extension to No.601 is set off the boundary behind a single storey element which has a shallow roof pitch that slopes towards No.599. The eaves of this building can be seen above the existing concrete and timber fence on the common boundary and this will therefore form the outlook from the bedrooms in reasonably close proximity. Although the outlook is to a degree compromised by this arrangement, the area adjacent to the windows would be accessible only to the occupiers of the flat and I note that the small window to the kitchenette associated with the shop is proposed to be obscured glazed. The area and the outlook from the windows would therefore be afforded a high level of privacy.
6. In addition to the good-sized windows on the side elevation, each bedroom would also have a generous rooflight providing a secondary source of natural light, ensuring that light levels in the bedrooms would not be unduly low. Further, the existing garage to the rear of No.599 would be removed to provide a private rear garden for the flat and the main living, dining and kitchen area would have a pleasant outlook over this area. Overall, therefore, I find that the proposed flat would have a good level of outlook and therein standard of accommodation for future occupiers.
7. Consequently, the appeal proposal accords with Policy 29(c) of the Sutton Local Plan 2016-2031 (2018) (LP) because it would not adversely affect the amenities of future occupiers in respect of outlook/sense of enclosure.

#### *Parking*

8. LP Policy 37 expects new development to provide car parking in accordance with maximum car parking standards considering, amongst other things, public transport accessibility and the need to deter unnecessary car use while avoiding overspill parking problems. The maximum car parking requirement for the appeal proposal is one off-street space.
9. Whilst No.599 is within an area of PTAL 3, it is located within the North Cheam District Centre forming part of a small parade of shops. I saw from my site visit that this location comes with very good access to a range of shops and services and the nearest bus stop is only a short walk away. As such, the location does not necessarily require the use of a car for the day to day needs of residents to be met.
10. To the front of Nos. 587 and 605 London Road is parallel forecourt parking that is used predominantly by shop customers during the day. This forecourt parking includes space for two cars directly outside No.599 which could be used by occupiers of the proposed flat if available. The London Road itself is subject to double red line stopping, waiting and parking restrictions and these extend round the corner onto the first section of Lloyd Road. Lloyd Road has unrestricted parking along much of its length and most houses have sufficient off-street space for one car to park. On my site visit I saw no evidence of significant parking pressure along Lloyd Road with on-street parking readily available.

11. For these reasons, the lack of provision of one off-street parking space would not result in an unacceptable increase in on-street parking such that it would cause harm to local highways conditions and the appeal proposals therefore accord with LP Policy 37.

### **Conditions**

12. I have imposed a condition in relation to the commencement of development and in the interests of clarity a condition to ensure compliance with the approved plans. To ensure that a satisfactory external appearance is achieved a condition is required that external materials and finishes be similar to the existing building, unless shown on the approved plans.
13. Because of the extent of the flat roof, in the interests of living conditions of neighbours, a condition is required to prevent this from being used as a terrace or amenity space. In the interests of the amenities of the area, details of refuse and recycling storage is also required.
14. I have imposed a condition requiring a Construction Logistics Plan to be submitted for approval in order to ensure that a suitable living environment is maintained for local residents during the construction of the proposal; in order to ensure that appropriate measures are secured these details should be agreed prior to commencement of the development.
15. Conditions in respect of energy and water usage are required in the interests of sustainability. The Council suggested a condition requiring implementation of the site drainage, including SuDs. However, I have seen nothing in the evidence before me that details of site drainage were submitted with the planning application, so a further condition requiring such details to be submitted and approved is necessary and has been imposed. The energy and drainage conditions need to be pre-commencement as such measures cannot be easily retrofitted.
16. A condition is recommended in respect of details of landscaping, however given that I observed there to be little or no existing planting and a modest rear garden is proposed, this is not necessary to make the development acceptable.

### **Conclusion**

17. For the reasons given above, and taking all other matters into account, the appeal is allowed.

*R. Jones*

INSPECTOR

## Schedule of Conditions

- 1) The development must be begun not later than the expiration of three years beginning with the date hereof.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1683MB\_PRE2: SH1; and 1683MB\_PRE2: SH2.
- 3) All external facing materials, treatments and finishes shall be similar to those of the existing building and maintained and retained thereafter. This applies unless differences are shown on the drawings we have approved.
- 4) The flat roof of the dwelling hereby approved shall not be used, all or in part, as a terrace or other amenity space. No railings, fences, walls or other means of enclosure shall be erected on this flat roof, and no alterations shall be carried out to the rear elevation of the application property to form access onto the roof.
- 5) Prior to occupation of the development hereby approved, full details of refuse and recycling storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to occupation of the development and retained thereafter.
- 6) 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.
- 7) Prior to first occupation, a completed Water Efficiency Calculator for New Dwelling 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.
- 8) 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 of 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.
- 9) Prior to first occupation, 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 30% 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 the measures implemented shall be retained for as long as the development is in existence.
- 10) Prior to the commencement of development, 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 proposed 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 should exceed the minimum Part L1A emissions standards through energy efficiency measures alone.
- 11) 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 unless otherwise approved by the Local Planning Authority in writing. The approved measures should thereafter be retained.