



Appeal Decision

Site Visit made on 24 November 2020

by Martin Small BA(Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2020

Appeal Ref: APP/P5870/W/20/3258582

50-52 Stanley Park Road, Carshalton, SM5 3HW

- 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 H Salimi against the decision of London Borough of Sutton.
- The application Ref DM2020/00501, dated 30 March 2020, was refused by notice dated 19 August 2020.
- The development proposed is the demolition of existing buildings and construction of two storey building including 7 flats along with associated car parking.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 1. the effect of the proposed development on the character and appearance of the area; and
 2. whether the proposed development would be of a sustainable design with regard to CO₂ emissions, drainage and water efficiency.

Reasons

3. The appeal site is located in a prominent position on the corner of a roundabout at the junction of Stanley Park Road with Boundary Road. Both roads are predominantly residential with some commercial and community uses. The area is characterised primarily by 2-storey semi-detached dwellings, set back from the roads with hardstandings and gardens to the frontages and hipped, mainly unadorned, roofs. Opposite the site is a 3-storey apartment building with the top floor within the roof space.
4. The site is currently occupied by a pair of semi-detached dwellings. Planning permission was granted in 2017 for the replacement of these dwellings with a 2-storey building containing 6 flats. This permission was not implemented and has now expired but has established the principle of the redevelopment of the site for flats. However, the proposal before me would differ in external appearance from that previously approved, mainly by the introduction of eight dormer windows within the roof and the replacement of the gables to the projections in the front and rear elevations by flat roofs.
5. The apartment building opposite the site and Nos 33, 35, 41 and 43 Stanley Park Road in the vicinity of the appeal site have modest dormer windows,

although they are not so numerous as to be a characteristic of the area. The number of dormers in the proposed building would result in a cluttered appearance to the roof, detracting from its hipped form and at odds with the simpler roof forms characteristic of the area. The arrangement of the dormers on the front elevation would relate poorly to the fenestration of the ground and first floors, resulting in an uncoordinated appearance.

6. I consider that the staggering of the front and rear elevations and the use of render and brickwork would add articulation and interest to the proposed building and would not be uncharacteristic of the area in principle. However, the breaking of the eaves line by the projections is awkward and would exacerbate the discordant appearance of the proposal.
7. The position of the appeal site on a corner may allow for a greater flexibility in design but the prominence and openness of the site necessitates an appropriately sensitive design response. The proposal would not deliver this. Whilst a boundary wall/ fence and landscaping are proposed and could be secured by a condition were planning permission to be granted, these would not fully obscure the proposed building. Moreover, mitigation by screening does not justify poor design.
8. The proposal would represent a more efficient use of the site as encouraged by paragraph 122 of the National Planning Policy Framework (the Framework) and the Council considers 7 flats to be acceptable in principle. However, the Framework also seeks to promote good design that is sympathetic to its context.
9. I therefore conclude that the proposal would have an unacceptable effect on the character and appearance of the area. Accordingly, it would conflict in this respect with Policy 28 of the Sutton Local Plan 2016-21031 (2018) (the Local Plan). This sets out that planning permission for new development will be granted provided the proposal, amongst other things, is attractive, designed to the highest standard, especially with regard to architectural detailing, and responds to local character. It would also be contrary to the intent and purpose of the Council's Supplementary Planning Document Creating Locally Distinctive Places (SPD14) to promote good urban design.
10. Furthermore, the proposal would also conflict in this respect with clauses b) and, as the proposal would not be appropriate, c) of paragraph 127 of the Framework, which require decisions to ensure that developments are visually attractive as a result of good architecture and sympathetic to local character. It would also conflict with paragraph 122 and 130 of the Framework, the latter setting out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Sustainable design

11. Policy 31 of the Local Plan requires applications for new dwellings to be supported by an Energy Statement to demonstrate how the proposed development would meet the relevant targets for reducing CO₂ emissions. Policies 32 and 33 of the Local Plan require proposed developments to include sustainable drainage and water efficiency measures. Policies 5.2 and 5.13 of

the London Plan¹ also seek to minimise CO₂ emissions and promote sustainable drainage. These matters are particularly important as the Council has declared a Climate Emergency.

12. No Energy Statement or details of sustainable drainage or water efficiency measures were submitted with the application, resulting in an objection from the Council's Sustainability Officer. The appellant has submitted further details of potential sustainable design measures with the appeal, but these are limited and, in my view, fall short of the level of detail required by Policies 31, 32 and 33 of the Local Plan.
13. I therefore conclude that the appellant has not demonstrated that the proposed development would be of a sustainable design with regard to CO₂ emissions, drainage and water efficiency. Accordingly, the proposal conflicts in these respects with Policies 31, 32 and 33 of the Local Plan and Policies 5.2 and 5.13 of the London Plan.
14. Nevertheless, I am aware that conditions have been used to address these matters. Had I found the proposal to be acceptable in respect of the other main issue, I would have considered whether or not this would have been an appropriate approach in this case, having regard to the views of the main parties. However, as I am dismissing this appeal for another reason, this has not been necessary.

Other Matters

15. I acknowledge that the proposal would be acceptable in respect of its effect on the living conditions of the occupiers of the neighbouring dwellings and would provide adequate parking and satisfactory living conditions for future occupiers. However, these are requirements of the development plan for any proposal to be acceptable.
16. The Government is seeking to significantly boost the supply of housing. The 5 additional units would make a small but valuable contribution to the housing supply in the borough. However, this is not sufficient to outweigh the harm to the character and appearance of the area I have found would arise from the proposal.

Conclusion

17. I find that the proposal would conflict with the development plan taken as a whole and there are no other considerations, including the provisions of the Framework, to outweigh this conflict. Therefore, for the reasons given above and having had regard to the other matters raised, the appeal should not succeed.

Martin Small

INSPECTOR

¹ The Spatial Development Strategy for London Consolidated With Alterations Since 2011