

Appeal Decision

Site visit made on 4 December 2020

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04 January 2021

Appeal Ref: APP/P5870/W/20/3251988

No 1-2 Ross Parade & 7-13 Woodcote Road, Wallington, SM6 8QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr M Kay Landcore against the decision of the London Borough of Sutton.
 - The application Ref DM2019/01955, dated 19 November 2019, was refused by notice dated 25 February 2020.
 - The application sought planning permission for the erection of a first floor rear extension, installation of 21 rooflights (front and rear) to convert roofspace into living accommodation and creation of a shared garden with secure refuse and cycle parking in connection with the provision of seven self contained flats (6 X 2-bedroom and 2 X 3-bedroom) without complying with a condition attached to planning permission Ref DM2019/00194, dated 17 May 2020.
 - The condition in dispute is No 1 which states that: The approved development shall be carried out in accordance with the following drawings/details: Site Location Plan, DAT/9.0, DAT/9.1, DAT/9.2, DAT/9.3, 17-1283-71, 17-1283-70, 17-1283-74A, 17-1283-72 & 17-1283-73B.
 - The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.
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Decision

1. The appeal is allowed and the planning permission Ref DM2019/00194, for the proposed erection of a first floor rear extension, installation of 21 rooflights (front and rear) to convert roofspace into living accommodation and creation of a shared garden with secure refuse and cycle parking in connection with the provision of seven self contained flats (6 X 2-bedroom and 2 X 3-bedroom) at No 1-2 Ross Parade & 7-13 Woodcote Road, Wallington, SM6 8QL granted on 17 May 2020 by London Borough of Sutton, varied by amending condition No 1 to read:

The approved development shall be carried out in accordance with the following drawings/details: Site Location Plan, DAT/9.0, DAT/9.1, DAT/9.3, 17-1283-71, 17-1283-72, 17-1283-73B, 1909-02 A101 P1 and 1909-02 A201 P1.

Preliminary Matters

2. The Appellant is seeking a variation to the approved scheme via the use of revised plans. In summary the proposal is to include refuse storage in part of the internal ground floor area formerly a post office, to use a direct frontage
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access for this to the highway, and to no longer place refuse and recycling storage in an external area to the rear of the building as previously planned.

3. I am satisfied that section 73 of the Act is an appropriate mechanism for submission of the proposal given that the overall application description would not have to change for a proposal of this nature and relatively very modest scale.

Main Issue

4. The main issue is the effect of the proposal on the shopping frontage's functionality, vitality and appearance.

Reasons

5. The appeal site comprises a terraced building which wraps around the corner of Ross Parade and Woodcote Road. The building is three storeys in height and at ground floor is, in-part, empty as a former Post Office and otherwise occupied by a betting shop and estate agents. The site is located within Wallington district centre, surroundings are mixed in character, and the building is within the primary shopping frontage. The proposal is as described above and would be sited within part of the former post office ground area floorspace.
6. The Council is concerned that the provision of an ancillary residential use at ground floor within the primary shopping frontage would not be a suitable role or function for the district centre or provide an active frontage and would not take the opportunity to improve the character and appearance of this frontage and streetscene.
7. The refuse storage area would utilise about 13 sqm of the very sizeable vacant Post Office. This represents a small proportion of the wider unit which in its former life in any event would have had considerable administrative floorspace associated with it. I am satisfied that this would have no adverse impact upon any future viability or usability as a commercial premises. I note an agent's evidence to this effect on behalf of the Appellant and I did not find this surprising. It is also valid that the store may in the future provide for commercial refuse storage.
8. The new refuse area would be accessed via an existing frontage door which is positioned to one edge of the vacant unit. I find it a reasonable proposition that necessary remodelling to provide a new frontage in place of the very opaque ex Post Office frontage would have an entrance doorway more towards the centre of the unit. The unit would continue to be of appreciable size and well related in visual and functional terms to adjoining commercial uses. The remodelling would also enhance the appearance of this corner and increase the prospect of vitality returning to here. The building needs investment for the benefit of the locality and I am satisfied that this proposal would be a meaningful stage in this process.
9. Policies 17, 18 and 28 of the Sutton Local Plan are relevant. Taken together and amongst other matters, they provide for planning permission being granted where uses are suitable for commercial centres; provide for a mix of uses and generally for the retention of retail frontages unless sound evidence points to the alternative; and seek development that is complementary to and improves an area's character and appearance. I conclude that the proposal would not conflict with these policies, or run contrary to the aims of SPD 14

'Creating Locally Distinctive Places', recognising that this document cannot be expected to cover every eventuality.

Other matters

10. In addition to the above I would agree with the Appellant that this scheme would be of benefit to the would-be householders both in terms of availability and quality of outdoor amenity space and in terms of convenience of moving of containers for collecting. To my mind this adds weight to my decision to endorse the appeal proposals.
11. I note that there are conditions (No 8 & 9) on DM2019/00194 relating to details of cycle storage details and refuse and recycling storage arrangements. Given the content of the submitted plans this decision deals with submission and agreement of details. However requirements that these schemes be implemented in full prior to occupation of the development and retained thereafter continue in validity.
12. I confirm that policies in the National Planning Policy Framework have been considered and the development plan policies which I cite mirror relevant objectives within that document.

Overall conclusion

13. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the shopping frontage's functionality, vitality and appearance. Accordingly the appeal is allowed.

D Cramond

INSPECTOR