



Appeal Decision

Site visit made on 24 November 2020

by F Rafiq BSc (Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2021.

Appeal Ref: APP/P5870/W/20/3249953

1 Selby Road, Carshalton, SM5 1LE

- 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 Mark Pavitt against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/01989, dated 25 November 2019, was refused by notice dated 6 March 2020.
 - The development proposed is the erection of new 2 bedroom house to end of existing terrace, adjacent to No 1 Selby Road, demolition of existing detached garage, provision of new off street parking space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would provide satisfactory accommodation for its future occupants having regard to the internal floorspace and external amenity space; and,
 - the effect of the proposal on highway safety with regard to parking provision.

Reasons

Character and Appearance

3. The appeal property comprises of an end terrace dwelling that is situated on Selby Road, close to the junction of Stoneleigh Road. The surrounding area is residential and consists of terraces of varying lengths, but which are generally set on consistent building lines. Many of the buildings have parking areas to the front, and those properties on corner plots generally have triangular shaped side garden areas. These spaces, as well as other open areas such as the grass verge that contains street trees on Stoneleigh Road, opposite the junction with Selby Road contribute to the green and spacious characteristics of the area.
4. The proposal comprises of an additional dwelling to the side of the existing building at No. 1 Selby Road. It would be set back slightly from the front of

the existing building at No. 1, but broadly reflective of the existing building line. Although reference has been made to the proposal as back garden-land development, the proposal would face the road and would therefore be seen as a continuation of the terrace. It would however result in the incursion of a two storey structure into the side garden, reducing the sense of spaciousness. The Appellant has stated that the proposal would still provide a large corner site after this development. Whilst the proposed dwelling would be provided with a side garden, it would bring the two storey built form much closer to the side boundary and result in it having a cramped appearance.

5. I appreciate the simple design of the proposal seeks to reflect the existing terraces in the area, including through the use of matching materials. Whilst there would be a small setback and set down from the remaining terrace, I do not consider that these elements would be appear pronounced. Nevertheless, the proposal would appear as an unsympathetic and incongruous addition, that would compromise the spaciousness provided by this corner plot. There may well be a number of sites locally that have been developed at the end of a terrace that have left little or no space to the boundary. Some details of these sites has been provided, but I am not aware of the full circumstances that were taken into account when they were permitted. In any event, the presence of other unsympathetic development would not outweigh the harm the proposal would have on the spacious character of the area.
6. I therefore conclude that the proposal would have an unacceptable adverse impact on the character and appearance of the area. The proposal would be contrary to Policy 28 of the Sutton Local Plan (Local Plan) and Policy 3.5 of the London Plan, which I consider to be most relevant to this aspect of the proposal. These policies seek, amongst other matters, development that responds to local character and design that enhances the quality of local places. It would also be contrary to the Supplementary Planning Document 'Creating Locally Distinctive Places' (SPD) which seeks to build on local character and preserve the unique positive characteristics of the specific area.

Living Conditions – Future Occupiers

7. The proposed dwelling is for the erection of a two bedroom house and the submitted drawings show these bedrooms on the first floor. A further room identified as a 'Study' is shown in the roof space. The Council have stated that this room could meet the requirements for a single bedroom. Whilst I can see the size of this room meets the floor area standard for a single bedroom¹, its width would not be at least 2.15m which is required by the same standard. From the submitted plans, I can also see that the proposed house would have a hipped roof form, and although a cross-section plan has not been provided, it is evident that the internal height would also be limited in parts of this room within the roofspace. As such, I consider the space provided would not provide adequate room to accommodate furniture generally associated with a bedroom.
8. Given the aforementioned reasons therefore, the proposal should be as considered a two bedroom dwelling. As the proposal would provide 72 sqm, it

¹ Technical housing standards – nationally described space standard (Department for Communities and Local Government, March 2015) (NDSS)

would meet the minimum floor space standard of 70 sqm² and provide an acceptable level of floorspace for future occupiers.

9. In relation to private amenity space, the Council make reference to the SPD which sets out minimum standards for private garden space. The Council consider this SPD, which is specific to this Borough, to be more appropriate than the guidance within the Mayor of London's Supplementary Planning Guidance - Housing given the suburban setting locally. I have no reason to disagree with this position, although, for reasons set out earlier in the decision, I consider the proposal as a 2 bedroom and not 3 bedroom dwelling.
10. For two bedroom units, the SPD seeks 40 sqm of private garden space. The dwelling to be created through the appeal proposal would have garden areas to the front, side and rear. As the garden areas to the front and side would be readily seen in views along Selby Road, I do not consider that these would constitute private garden spaces and the SPD also indicates at Figure 2.1 that such areas are semi-private and not private spaces. This leaves the rear garden area, where there is some difference between the Appellant and the Council on its size. However, even taking the larger area of 22 sqm, this would be significantly short of the required size of 40 sqm. There is a further difference between the Appellant and the Council on the size of the rear garden for the existing dwelling, but irrespective of the position on the remaining rear garden area for the existing dwelling at No. 1, the proposal would not provide satisfactory amenity space provision for the new dwelling.
11. I therefore conclude, that, despite the proposed development making satisfactory provision for future occupants with regard to internal floorspace, it would fail to provide satisfactory amenity space provision for future occupants. As such, it would conflict with Policy 9 of the Local Plan which I consider to be most relevant to this aspect of the proposal. This requires, amongst other matters, development to provide an adequate amount of private amenity space. It would also be contrary to the SPD in this regard.

Highway Safety

12. The proposed dwelling would be provided with an off road parking space, which, as for reasons set out earlier in the decision, is a development for a two bedroom dwelling. On this basis, I consider that it would provide sufficient parking provision for the new dwelling.
13. In relation to the existing property, the Council state that as it is a 3 bedroom dwelling, it should be provided with 2 car parking spaces. The existing dwelling would not however be provided with any such parking provision and the existing off-road parking that currently serves this dwelling, would be lost as part of the development. I note reference by the Appellant to the area being well served by public transport but the Council have stated that it is in a less accessible areas (having a PTAL rating of 1a). Reference has been made to unrestricted on-street parking areas adjacent to the site, but I was able to see at the time of my site visit that there was a high demand for parking which the proposal would add to.
14. It has been stated that a further parking space could be provided on the available garden area and controlled by condition. This would however alter the

² This standard is for a 2 bedroom 3 person dwelling, as the NDSS do not include a standard for a 2 bedroom 2 person dwelling

description of the proposed development and go beyond the scope of a condition. I have considered the proposal before me on the details submitted with the appeal application.

15. I therefore conclude that overall, the appeal proposal would result in inadequate parking provision and would be detrimental to highway safety. It would conflict with Policy 37 of the Local Plan, which seeks, amongst other matters, development that provides car parking in accordance with the Council's restraint-based maximum parking standards taking into account various factors, including avoiding overspill parking problems.

Other Matters

16. The proposal receives support from parts of the development plan, including providing an additional dwelling to the Borough's housing stock. The Appellant has also set out that the proposal would address problems of dumping unwanted items and the site being unsightly. Furthermore, the proposed dwelling has been designed to minimise water use and also includes other measures relating to addressing climate change. Whilst these matters weigh in favour of the proposed development, they would not outweigh the harm identified in relation to the main issues. Given this harm, I do not consider the proposed development would be the form of sustainable development that the National Planning Policy Framework intends there to be a presumption in favour of.
17. Reference has been made to inconsistencies by the Council when compared to similar projects around the St Helier Estate. Some details of new end dwellings on terraces have been provided. However, I do not have full details of the circumstances that led to these other proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal. I also note that the appeal application followed pre-application discussions with the Council. This appeal follows the Council's decision on a planning application, and I have determined this appeal accordingly on its own merits.
18. The proposal would not give rise to any unacceptable adverse effects on the living conditions of neighbouring residents and it would also provide a suitable landscaping scheme. These are however neutral considerations and not benefits of the proposal.
19. I note the concerns raised by the Appellant on the way in which the application was handled, including those events relating to the Planning Committee. These matters do not however have a bearing on the planning merits of the proposal before and I have, as stated above, considered the appeal on its own merits.

Conclusion

20. For the reasons given above and having considered all other matters raised, including the relevance of some policies, the site not being in a Conservation Area or a listed building, and reference to access to green spaces and other facilities, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR