
Appeal Decision

Site visit made on 12 February 2021

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th February 2021

Appeal Ref: APP/P5870/W/20/3260348

126 Cheam Road, Cheam, Surrey SM1 2EB

- 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 Bhavesh and Ami Gore against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2020/00489, dated 24 March 2020, was refused by notice dated 21 August 2020.
 - The development proposed is the conversion of existing house into 4no. self contained flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant submitted amended plans part way through the determination of the planning application. The amended plans altered the design and appearance of the first floor rear extension and incorporated additional landscaping to the front of the site. For the avoidance of doubt, I have determined the appeal on the basis of the amended plans.

Main Issues

3. The main issues are:
 - whether the proposal adheres to the Council's strategy for the conversion of existing dwellings to provide new self-contained housing units in the context of adopted policy; and
 - whether the proposal adheres to the Council's strategy for new dwellings to minimise carbon dioxide (CO₂) emissions and internal water consumption in the context of adopted policy.

Reasons

Conversion of existing dwellings

4. The appeal property is a large semi-detached dwelling situated on the corner of Cheam Road and Carlisle Road. It is proposed to convert the existing dwelling into four self-contained flats. As part of the development, the host building would be extended to the side and rear, with a dormer window providing habitable accommodation at second floor level.

5. The appeal site is located on the northern side of Cheam Road and forms part of a large suburban residential estate of low-density housing, which is laid out around a grid pattern between Cheam Road and Quarry Park Road. Most properties within the estate are two-storey semi-detached dwellings located within generous plots of a consistent size. This creates a spacious suburban character which contributes positively to the local distinctiveness of the area.
6. Policy 7 of the Sutton Local Plan 2016-2031 (the 'SLP') relates to housing density. The supporting text to Policy 7 explains that the intensification of existing residential areas provides a potential source of new homes, but it acknowledges that intensification can cause problems in terms of the loss of suburban character, increased pressure on infrastructure and the loss of family homes.
7. Criterion (a) of Policy 7 states the council will permit new dwellings and conversions of existing properties provided the density is suitable to the local character and taking into account the characteristics of Conservation Areas, Areas of Special Local Character and respecting the Suburban Heartlands.
8. For the purposes of Policy 7, the Council explain that the appeal site is located within the Suburban Heartlands. In such areas, criterion (e) of Policy 7 states that developments should maintain and seek to enhance the quality of the Borough's environment ensuring all new development respects the positive features of Sutton's character, reinforcing local distinctiveness and a sense of identity. The council will apply the Suburban Setting of the London Plan Density Matrix to these areas.
9. The Council explain that the 'Suburban Setting' of the London Plan Density Matrix establishes that within suburban areas that benefit from a PTAL rating of 3, such as the appeal site, housing densities of between 50 - 95 units per hectare can be accepted. The density of the proposed development would be 65 units per hectare, which falls within the acceptable range.
10. Policy 10 of the SLP relates to the loss of housing and conversions. Criterion (b) of Policy 10 states that the council will grant planning permission for development involving the conversion of existing dwellings to provide new self-contained housing units, provided that, *inter alia*, (i) the proposal is within one of the Areas of Potential Intensification (API); and (iv) the proposal does not detract from the character and appearance of the area, particularly when proposed in Conservation Areas and Areas of Special Local Character.
11. The appeal site is located within the Suburban Heartlands outside of any of the API. Consequently, the conversion of the existing dwelling to provide four self-contained flats would not accord with criterion (b)(i) of Policy 10.
12. In addition to the above, whilst I recognise that the density of the proposal would be compatible with the London Plan Density Matrix, as set out within Policy 7 of the SLP, and, despite the high quality design and appearance of the proposed extensions and alterations, the conversion of the property to flatted development would be inconsistent with the prevailing pattern of development within the immediate area, which is predominately characterised by low density semi-detached housing. As such, the proposal would not contribute positively to Sutton's character, nor would it reinforce local distinctiveness. Therefore, the proposal would not accord with criteria (a) and (e) of Policy 7 and criterion (b)(iv) of Policy 10 of the SLP.

13. The appellant points out that there are several existing flatted developments located within the local area, which he explains are known as Hudson Lodge, Carlton House, Wrighton Court and Puttini House. However, these appear to be purpose built flatted developments located within large plots to the south of Cheam Road, as opposed to the conversion of a family sized dwelling located within a suburban estate of predominately semi-detached family homes. Consequently, these developments are materially different to the current proposal and do not set a precedent in favour of allowing the appeal.
14. The appellant's statement also refers to a flatted development at 150 Gore Road, Sutton. However, no supporting information or plans have been submitted in relation to this development and there does not appear to be a Gore Road within the local area of the appeal site. Consequently, I am unable to assess the relevance of this development in respect of the appeal. In any event, I have determined this appeal on its individual planning merits.
15. For the reasons set out above, I have found that the proposal would not accord with Policies 7 and 10 of the SLP. As such, I conclude that the proposed development would conflict with the Council's strategy for the conversion of existing dwellings to provide new self-contained housing units in the context of adopted policy.

CO2 emissions and internal water consumption

16. Policy 31 of the SLP states that all minor residential developments should achieve at least a 35% reduction in regulated CO2 emissions on site, with minor developments achieving a reduction of at least 10% by using renewable energy generated on-site.
17. Policy 33 of the SLP states that to conserve water resources all new dwellings should limit domestic water consumption to 110 litres per person per day (l/p/d) in line with the Government's higher 'optional requirements' for water efficiency set out in Part G of the Building Regulations as amended.
18. No technical details, such as an Energy Statement, were submitted with the planning application to demonstrate that the proposal would be able to meet the CO2 emissions and water consumption standards for new dwellings, as set by Policies 31 and 33 of the SLP. However, the appellant argues such information can be secured by planning conditions.
19. Due to the lack of any technical information, I cannot be certain that compliance with the CO2 emissions and water consumption standards set out within Policies 31 and 33 of the SLP could be achieved as part of the proposal. As these are fundamental matters, which go to the heart of the acceptability of the proposed development, it would not be suitable to impose planning conditions relating to the submission of such details for later approval.
20. In the absence of such details, I am unable to assess whether the development is capable of meeting the CO2 emissions and water consumption standards for new dwellings set out within the development plan. Therefore, I am unable to conclude that the proposal adheres to the Council's strategy for new dwellings to minimise CO2 emissions and internal water consumption in the context of adopted policy. Consequently, I cannot conclude that the proposal would accord with Policies 31 and 33 of the SLP.

21. In any event, if I were to accept the appellant's position and impose planning conditions to secure such details, this would not overcome or outweigh the conflict I have identified in respect of the first main issue.
22. Having regard to paragraph 213 of the National Planning Policy Framework, I consider that these policies are consistent with the Framework's environmental objectives of sustainable development which includes using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change. Therefore, the conflict with them warrants significant weight.
23. In respect of this main issue, the second reason for refusal on the Council's decision notice refers to Policy 32 of the SLP. However, this policy relates to flood risk and sustainable drainage. Given that the Council have raised no such concerns in relation to flood risk and sustainable drainage, I consider that the policy is not applicable in respect of this main issue.

Other Matters

24. The proposed development would make a positive contribution to the Council's housing land supply. In addition, economic and social benefits would arise from the development. These benefits weigh in favour of the proposal, albeit that the extent of such benefits would be limited due to the quantum of the proposed development. Furthermore, I am cognisant that the proposal would reuse an existing building to provide additional housing, as distinct from development on greenfield land. However, none of these matters would overcome or outweigh the very weighty conflict with the development plan policies that I have identified above.

Conclusion

25. I have been unable to conclude that the proposal adheres to the Council's strategy for new dwellings to minimise CO2 emissions and internal water consumption in the context of adopted policy. In addition, I have found that the proposed development would conflict with the Council's strategy for the conversion of existing dwellings to provide new self-contained housing units in the context of adopted policy. Therefore, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR