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## Appeal Decision

Site visit made on 14 December 2020

**by David Cliff BA MSc MRTPI**

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

**Decision date: 01 March 2021**

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**Appeal Ref: APP/P5870/W/20/3256224**  
**130 Croydon Road, Beddington, CR0 4PG**

- 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 John Bryant against the decision of the London Borough of Sutton.
  - The application Ref DM2020/00498, dated 25 March 2020, was refused by notice dated 21 May 2020.
  - The development proposed is conversion of the existing house into 5 flats (3 x 2 bed and 2 x 1 bedroom) with rear, side and front extensions, with provisions of refuse and cycle facilities together with five carparking spaces and the extension of the drop kerb for vehicular access.
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### Decision

1. The appeal is dismissed.

### Preliminary matter

2. I have sought further comments from the main parties on any implications arising from the Publication London Plan and the subsequent confirmation from the Secretary of State on 29 January 2021 that he is content for the new London Plan to be published. I have taken account of the comments received in my decision.

### Main Issue

3. The main issue is whether the proposed conversion from single dwellinghouse to flats would be appropriate, having particular regard to the size, form and location of the existing dwellinghouse.

### Reasons

4. Policy 10 (b) of the Sutton Local Plan 2018 ('the Local Plan') sets out several criteria that need to be met in order for permission to be granted for development involving the conversion of existing dwellings to flats. The proposal is contrary to the first of these criteria that it needs to be within one of the Areas of Potential Intensification (API). Although the site still has moderate accessibility to local facilities, including a local shopping centre, along with public transport options, it is outside of the API wherein the Council seeks to generally promote residential conversions.
5. The existing property comprises a three bedroomed dwelling. The supporting text to Policy 10 explains given that 2 and 3 bedroomed market houses are the

most required type of housing, it is considered necessary to limit the number lost to flat conversions. Whilst the proposal would provide for three two-bedroom units (along with two one-bedroomed units) and would contribute to the overall supply of housing, it would result in the loss of an existing three bedroomed dwellinghouse. In this respect, it is also relevant that the Sutton Strategic Housing Market Assessment 2015, whilst not seemingly distinguishing between dwelling houses and flats, sets out a significantly greater need for 3-bed residential units than 2-bed residential units.

6. Although the appellant states that the property is not a typical two/three bedroom house and is dilapidated, its layout appears to offer suitable family accommodation along with a rear garden area. There appears to be no justifiable reason why it would be unsuitable for use as a family dwelling.
7. My attention is drawn to an appeal decision in May 2018 for a conversion proposal at 10 Salisbury Avenue, Cheam<sup>1</sup> in which the Inspector concludes that the proposal would be contrary to Policy 10 due to its location outside of the API. That proposal involved an existing five bedroomed house and is 'between and outside of' the APIS's defined around Cheam District Centre and Sutton Town Centre. The current appeal property has less bedrooms and appears to be the type of small family dwelling, located outside and away from the API, that the Council seeks to generally retain.
8. There is a disagreement between the parties on the gross internal area of the existing dwelling (excluding extensions, garages and loft space). The appellant has calculated it to be 123.2 sqms (125.4 sqms if including an undercroft porch) whilst the Council calculates it to be 120 sqms. In either scenario any shortfall below 125 sqms would be minor. The supporting text to Policy 10 explains that the figure of 125 sqms has been chosen as, below this figure, a house would not be able to convert to two 61 sqms flats. Whilst this would be marginal in this case, there is no disagreement between the main parties that the standard of accommodation proposed in this case, including taking account of the proposed floor areas, would be unacceptable. Although this proposal includes extensions, which Policy 10 specifically states should not be included in the calculation of gross internal area, the consequences of a minor shortfall below 125 sqms appears to be of a minimal importance or consequence in terms of the floor area of the new units to be provided. Given the at worst, minor shortfall, any minor technical breach of Policy 10 (b) (ii) does not therefore weigh significantly against the proposal. Notwithstanding this, the floor space of the existing dwelling is one that appears to be suitable for use as a small family dwelling.
9. Despite my findings regarding the existing floor area, the proposal would be clearly contrary to Policy 10 of the Local Plan seeking to prevent residential conversions outside of the API.
10. I have considered Policies H1 and H2 of the latest version of the emerging London Plan which is about to be published. Given the very advanced stage of the plan, the policies within this plan carry significant weight. The site has a PTAL rating of 3 and is reasonably accessible to public transport and local facilities. Notwithstanding the aim of optimising the potential for housing delivery in such a location, Policy H2 makes clear that there needs to be a diverse source, location, type and mix of housing supply. Therefore, whilst it

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<sup>1</sup> APP/P5870/W/17/3188127

appears that Policy H1 is more supportive of residential conversions in areas such as this, there is still a need to ensure that a balanced mix of housing is provided, including the provision of family housing within accessible areas. The National Planning Policy Framework also seeks to make efficient use of land, though this needs to take into account the identified need for different types of housing. There is nothing to suggest that a proposed conversion, including extension, of the property is not capable of providing at least one three bedroom family unit. Such a scheme would still serve the purpose of Policy H1 in optimising the potential for housing delivery.

11. Despite future changes to the calculation of housing need, there is nothing of substance before me to suggest that the Council is not currently able to demonstrate a five year supply of deliverable housing land. Although the conversion of the dwelling would create an increase in dwelling units at a small site, it would result in the loss of a three bedroom family dwelling to be replaced by smaller one and two bedroom dwellings. Therefore there is still a need to balance the optimisation of housing delivery with the need to provide a suitable type and mix of housing supply. Policy H2 recognises that local character will need to change, although in this case there is no objection to the character and appearance of the proposal including the extensions. Whilst there are other non-residential developments in the vicinity, the general character of the area is predominantly formed of residential dwelling houses. The site's PTAL rating of 3 indicates that it has moderate accessibility and although it is within the range identified by Policy H1 for optimising housing delivery, this does not appear to suggest that the density needs to be as high as in a more accessible location with a higher PTAL rating.
12. Therefore, Policies H1 and H2, whilst clearly promoting the optimisation of housing delivery in accessible locations, do not provide such a basis in this instance to outweigh the conflict with Policy 10 of the Local Plan.
13. Details have been provided of other schemes in the locality which have been granted permitted including three bedroom dwellings. However, these do not necessarily indicate that sufficient three bedroom dwellings have already been provided to reflect local housing needs.
14. No objections were made by either the Council or the Inspector to the loss of the existing dwelling in the previous scheme for eight dwellings. However, that scheme was not a conversion scheme and so did not fall to be considered within Policy 10 (b). I also note that proposal included three three-bedroomed flats and that the Council's Delegated Report for that proposal states that it would provide flats across a range of tenures including generally sought after family sized accommodation. In contrast the current proposal proposes no three-bedroomed flats.
15. The proposal would be built to the latest standards of sustainable construction and would boost construction with consequent economic benefits. However, such benefits from a relatively modest scheme would only be minor.

## **Conclusion**

16. The proposal would be contrary to the development plan and material considerations do not outweigh this finding.

17. I conclude that the appeal should be dismissed.

*David Cliff*

INSPECTOR