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# Appeal Decision

Site visit made on 15 June 2021

**by Paul Jackson B Arch (Hons) RIBA**

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

**Decision date: 16 July 2021**

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**Appeal Ref: APP/P5870/W/20/3262671**

**58-84 Carshalton High Street, Carshalton, Surrey SM5 3AG**

- 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 S D Shah against the decision of the Council of the London Borough of Sutton.
  - The application Ref DM2019/01628, dated 20 September 2019, was refused by notice dated 7 May 2020.
  - The development proposed is mixed development comprising 13 new flats and one new commercial unit with extensions to existing flats and shops and associated alterations. Landscaped garden at first floor level.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - Whether the proposed development, including the effect on existing trees, would preserve or enhance the character or appearance of the Carshalton Village Conservation Area;
  - The effect of the proposed development on the architectural quality and historic interest of 58-64 Carshalton High Street, which is an unlisted building of merit;
  - The effect on living conditions of occupiers of No. 6 Carshalton Place, in terms of privacy;
  - Whether the proposed accommodation would provide an acceptable standard of private amenity space and sufficient adaptable and accessible dwellings;
  - Whether the proposed dwellings would be acceptable for future occupiers in terms of air quality;
  - Whether a contribution to affordable housing is desirable or necessary;
  - Whether the arrangements for car parking would be acceptable;
  - The effect on biodiversity and ecological value;
  - Whether the proposed development would be 'zero carbon' and whether it would conform to national and local development plan objectives to reduce carbon emissions; and

- The arrangements for drainage and whether the proposed development would be acceptable in terms of national and local development plan objectives to reduce surface water run-off and reduce the risk of flooding.

## **Reasons**

### *Policy background*

3. The development plan for the area comprises the London Plan 2021 (LonP) which replaces the London Plan (consolidated with alterations since 2011) of March 2016. The Sutton Local Plan (LP) was adopted in 2018. The reasons for refusal mention the previous London Plan of 2016 but this is superseded and I have referred to the policies of the 2021 LonP where necessary.

### *The effect on the conservation area and building of merit*

4. The appeal building lies at the centre of the main shopping area of Carshalton Village where it is one of the largest, longest and most prominent structures on the south side of the High Street. As such, it plays an important role in defining the character of the immediate area. Its symmetrical 3 storey brick façade with interesting 'art-deco' brickwork detailing forms part of a row of buildings of similar scale and appearance as far as No. 38. The Carshalton Village Conservation Area Character Appraisal and Management Plan (CAMP) adopted in October 2019 includes Carshalton High Street in Sub Area D and identifies several factors as strengths, including the historic and human scale of buildings and views along the canal, adjacent to Carshalton Place. The modelled side elevation of the appeal building faces Carshalton Place and is prominent in the High Street scene travelling west. Trees growing along the former canal beside Carshalton Place and opposite the site at Beacon Grove are also prominent in the street scene. Along with trees at the rear of the appeal site, these provide important visual relief, especially for pedestrians and motorists using the A232 Carshalton High Street which is an exceptionally busy thoroughfare. The trees on Carshalton Place can be easily appreciated by those who choose to use the benches on the corner.
5. The proposed new additional floor would be constructed of lightweight zinc and glass panels to appear distinct seen against the existing solid brick façade. However, this would be a distracting element in the street scene because of the largely reflective materials proposed and metal framed window fenestration, which would bear no relation to the strong symmetry of the existing façade. Whilst using different materials and forms can sometimes be an appropriate approach to extending a structure with heritage significance, that does not mean that any design is justified simply by its degree of difference. No detailed explanation, except in general terms, is provided for the choice of materials or the design of the fenestration in the Design and Access Statement (DAS) to justify it surmounting this 'art deco' building. The additional floor would appear as an uncomfortable and unsympathetic addition above the prevailing parapet line in the High Street.
6. Moreover, the eastern end of the additional glass and zinc element would fail to relate successfully to the existing brick end elevation. A large part of the existing brickwork which currently deliberately reinforces the change in angle on plan- relating to the angled approach of Carshalton Place to the High Street- would be removed and partly raised, for no apparent reason. It would be replaced by a bulky and awkward 2 storey stair enclosure, providing access

solely to flat 3.E, cantilevered over a dark recessed flat roof with no maintenance access. The window to bedroom 1 of flat 1.E would look out onto this area but the occupants would have little awareness of the sky and consequently limited daylight, probably requiring electric light to be used during the day. Almost certainly it would be necessary at some point to net this area off to prevent pigeon infestation, with attendant visual impact. Whilst a bedroom, with a correspondingly lower requirement for daylight, it is difficult to understand why poor living conditions are necessary at all in a comprehensive redevelopment such as this. In the same vein, the kitchen window of flat 1.F would also look out onto this overshadowed space, at a right angle to the bedroom window, within about 1.4 metres, with a clear potential amenity conflict.

7. The relationship between the glass/zinc element at third floor level and the return elevation at first and second floor levels where it faces south down Carshalton Place would appear visually unresolved and would detract attention from the simple architectural quality of the building seen from the south and east. The whole composition would seem distinctly odd alongside the cantilevered stair and would appear jarring and unsympathetic to anyone passing down the footway<sup>1</sup>.
8. Added to these issues, the addition of the modernist style brick box enclosing commercial units and 6 flats facing Carshalton Place would be on the back edge of the footway and would in effect largely fill in an existing gap with mature trees which currently defines and separates the retail environment in the High Street from distinctly suburban development to the south. This element would be strongly articulated and would not appear subordinate in Carshalton Place. It would significantly urbanise and undermine the essentially transitional character of this part of the conservation area.
9. The existing rear elevation of the appeal property is undistinguished with much altered window fenestration and a confusion of ground floor ad-hoc buildings and entrances associated with the High Street shops. This undoubtedly provides an opportunity to enhance and improve, but the proposed scheme is a step too far in terms of bulk and would have a poorly designed appearance which would not preserve or enhance the character or appearance of this part of the Carshalton Village Conservation Area and would detract from the architectural quality and historic interest of the building of merit, conflicting with the relevant policies of the LonP and policies 7, 18, 28 and 30 of the LP, and advice in the CAMP.
10. Turning to density, it is national policy reflected in the LP, the LonP and the National Planning Policy Framework (NPPF) to optimise housing density on suitable brownfield sites in sustainable locations such as this, but that is not to be at the cost of the quality of the environment or healthy living conditions for future occupiers.
11. The density matrix at policy 3.4 of the previous version of the LonP does not appear in the 2021 LonP and in any case the scheme would have provided only a little over the maximum target density range in Table 3.2 for a development in an urban area which has a PTAL<sup>2</sup> level of 3. Accordingly, it is not apparent that the site is intrinsically incapable of maximising development potential in

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<sup>1</sup> Drawing ref 18.08-P-8B

<sup>2</sup> Public Transport Accessibility Level

terms of dwellings per hectare. However, the servicing requirements of the retail units (increased by one) and associated parking spaces are severe constraints. The limited amenity space and the awkward and complicated access routes to upper floor flats demonstrate the difficulties of also optimising development potential for housing. The need, for instance, for the main access to about 10 flats to pass in front of the only window to a bedroom of flat 1.G: and the only access to flats 2.I and 2.K to pass directly below the windows to the only 2 bedrooms of flat 1.H, almost at eye height, are matters for concern. These issues and others are highlighted by the Metropolitan Police are symptomatic of an over-ambitious scheme with implications for the living conditions and security of future occupants, especially of flats 1.G and 1.H.

#### *Living conditions*

12. The stair access to the first floor 'garden' deck area at the rear would allow views towards the flank wall and rear garden of the house at 6 Carshalton Place. However, it would be possible to provide imaginative privacy screening as part of the soft landscaping to the stair to prevent unacceptable overlooking, without unreasonably increasing bulk. If I was otherwise minded to allow the appeal, this could be ensured by imposing a suitable condition.

#### *Amenity space and adaptable dwellings*

13. The Mayor's Housing SPG (Supplementary Planning Guidance) indicates that in urban locations a balanced view has to be taken, bearing in mind the demand for smaller units and the availability of public amenity space nearby. The Council's Urban Design Guide indicates a degree of flexibility may be appropriate. Whilst not private, the new first floor communal amenity space attracts weight and I do not find that overall, future residents of the larger units or the single bed units in the main block would not have access to sufficient adequate outdoor amenity space. However, the new 2 bed flats in the new element facing Carshalton Place would have private outdoor balcony space below the minimum recommended 5 square metres and this is difficult to justify.
14. It has not been demonstrated in the DAS or the appeal statement of case that the significant rebuilding and new additional accommodation proposed could not better accommodate the Council's standards for wheelchair accessible or easily adaptable housing. It has not been shown how the scheme would comply, or why it necessarily cannot comply, with policy 9 of the LP, the Mayor's Housing SPG or LonP aims in this respect.

#### *Air quality*

15. The building lies on the A232 Carshalton High Street which is a busy distributor road with a great deal of commercial traffic. Policy 29 of the LP seeks to protect the amenity of occupiers in general terms. The scope of the proposal provides an opportunity to improve ventilation and the quality of the air in people's homes and for the additional residents, but no air quality assessment has been provided including the existing quality of the air in the area generally and behind the building. In consequence it is difficult to conclude that imposing a condition would be capable of mitigating for the polluted air on the High Street or the implications for air quality of the new car park and servicing area. I conclude on this point that there is insufficient evidence to show how the

development would comply with the air quality aims of the LonP or policy 29 of the LP.

#### *Affordable housing*

16. The scheme would provide 13 new flats, over the threshold for a contribution to affordable housing to be made as set out in policy 8 of the LP. No viability assessment has been provided to show that affordable housing on site or a financial contribution would not be appropriate on this site and it would not be reasonable to require such a study by imposing a condition on a planning permission. On the face of it, it has not been demonstrated that the scheme is incapable of providing affordable housing and this is contrary to policy 8.

#### *Parking*

17. With regard to car parking provision, the area is reasonably well served by buses and is under a kilometre from Carshalton Station, having a PTAL rating of 4. Policy 37 of the LP says that car-free development should normally be located in areas with a PTAL rating of 5 or 6. I saw that the immediate locality is in a controlled parking zone and that there is a great deal of parking pressure. It would not be possible to ensure that new occupiers of the scheme could not obtain a permit without an accompanying undertaking in the correct terms, which has not been provided. I consider it highly likely that future occupiers would wish to own a car and because there is no provision on site, there would be an increase in parking pressure which would be contrary to policy 37. No evidence has been provided to show that the development would not lead to an increase in parking pressure which would be likely to adversely affect traffic flow.

#### *Trees, biodiversity and ecological value*

18. The loss of the existing mature trees at the rear of the site would diminish the ecological value of the site as well as detract from the character and appearance of the area. The proposed deck landscaping would not begin to approach the contribution made by the existing trees. No information has been provided to justify the resultant loss of biodiversity which would be contrary to LonP policies. Policy 26 of the LP concerns specific sites and is of limited relevance but LonP policy G6 says that '*development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process*'. This aim is not very different from the requirement in the 2016 LonP that '*development proposals should: a wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity*'. There is no evidence that the proposed scheme would enhance biodiversity as suggested in the DAS.

#### *Carbon emissions*

19. No assessment of the future energy requirements of the scheme has been submitted and whilst partly a refurbishment, with the associated constraints, the scheme involves significant rebuilding and reconfiguration with the potential, as the appellant points out, to dramatically improve insulation and efficiency. However, without such an assessment, it is impossible to confirm whether any condition requiring the appropriate level of CO<sub>2</sub> emission reductions would be reasonable or necessary; or whether an undertaking to

offset remaining regulated emissions would be required. It has not been shown that the scheme would achieve the necessary carbon reductions and it would not comply with the requirements of LonP policies or policy 31 of the LP.

### *Drainage*

20. Although involving a substantial increase in floor area, the amount of rainfall falling on the site and needing to be dealt with would not be significantly increased. The site is already substantially hard surfaced. The proposal would provide an opportunity to upgrade the existing drainage and there is no evidence that suitable conditions could not be imposed along with others requiring a green roof and water efficiency to reduce the rate of run-off in a much more sustainable way, thus meeting the requirements of LP policy 32.

### **Conclusion**

21. Although finding that matters of drainage and overlooking adjacent property would not impede the grant of planning permission, the detrimental effect on the character and appearance of the conservation area and the heritage significance of the existing building, combined with other conflicts and a lack of information as to how the scheme would comply with numerous development plan policies, means that the appeal should not succeed.

*Paul Jackson*

INSPECTOR