
Appeal Decisions

Site visit made on 21 September 2021

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2021

Appeal A: APP/P5870/W/21/3267954

2 Talbot Road, Carshalton SM5 3BS

- 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 Robert Sutton against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2020/01840, dated 6 November 2020, was refused by notice dated 31 December 2020.
 - The development proposed is the erection of 5 dwellings with provision of new vehicular and pedestrian access, car parking, detached cycle stores and associated landscaping.
-

Appeal B: APP/P5870/W/21/3271455

2 Talbot Road, Carshalton SM5 3BS

- 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 Robert Sutton against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2021/00051, dated 11 January 2021, was refused by notice dated 9 March 2021.
 - The development proposed is the erection of 4 two storey dwellings with provision of new vehicular and pedestrian access, car parking, detached cycle stores and associated landscaping.
-

Decision

1. Appeal A is dismissed, and Appeal B is dismissed.

Preliminary Matters

2. As set out above, there are two appeals which differ mainly in respect of the number of dwellings proposed. Although I have considered each appeal on its individual merits, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
3. The Council have not raised harm to the setting of All Saints Church (Grade II* listed) and the churchyard walls (Grade II listed) as a reason for refusal. English Heritage also did not object to the proposals. This has, however, been a consideration of a previous appeal at the site for housing¹. Furthermore, there is a statutory duty under Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting, to

¹ APP/P5870/W/19/3224943

have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4. I have therefore considered the setting of All Saints Church and the churchyard walls in my decision below. The appellant has had the opportunity to comment on heritage matters.

Main Issues

5. The main issues in both appeals are the effect of the proposals on the setting of All Saints Church (Grade II* listed) and the churchyard walls (Grade II listed), and whether they would preserve or enhance the character or appearance of Carshalton Village Conservation Area.

Reasons

6. The appeal site falls within Carshalton Village Conservation Area. A significant feature of the conservation area is the Grade II* listed All Saints Church. The historic character of this ancient parish church and the openness of its extensive and verdant churchyard make a positive contribution to the character and appearance of the conservation area, and therefore its significance².
7. The appeal site is located to the south of the church and the listed churchyard walls adjoin the rear boundary. The appeal site has been in existence as a plot of land with a property on it since circa 1913³. Historically, the site was occupied by a rectory which belonged to the church⁴. Given this connection and their close proximity the appeal site clearly forms part of the setting of the church and churchyard walls.
8. The rectory was a single, detached, two storey house on a large plot with a large garden to the rear. It was sited near to the church and churchyard, as you would expect. Its spacious layout and generous grounds were respectful of and in-keeping with the similarly verdant and spacious character of the adjacent churchyard and as such made a positive contribute to the setting of the listed church and churchyard walls. For similar reasons it also made a positive contribution to the character and appearance of the conservation area.
9. Although the rectory has now been demolished the appeal site still retains important parts of its previous character due to the unusually large size of the plot, its open and verdant nature and mature planting, and its historic connection to the church, all of which can still be appreciated. For these reasons the appeal site continues to make a positive contribution to the significance of the church, churchyard walls and conservation area.
10. In both appeals a tandem form of development is proposed. The site would be effectively carved up into four or five separate plots as opposed to being one large plot. Both proposals would introduce a significant amount of built form onto the site, particularly to the rear and closer to the church, along with a central area of hardstanding for parking, turning, and access where previously there was garden. This would significantly reduce the openness of the site and have an enclosing and urbanising effect on the adjacent churchyard and church. Whilst there is significant landscaping along the site boundaries and

² Carshalton Village Conservation Area, Character Appraisal

³ Archaeology Desk-Based Assessment and Heritage Statement, Plate 5

⁴ Arboricultural Report para 2.1.1

additional landscaping could be conditioned, this would never be able to completely mitigate the effects of the development. Furthermore, landscaping cannot be considered a permanent feature.

11. The proposals would also significantly hamper any ability to read the site as a former rectory, therefore expunging its relationship with the church. In addition to this, given the mature nature of some of the trees on site and adjoining it, and the proximity of these to the proposed future dwellings, there may be pressure for their removal in the future due to overshadowing, leaf litter etc. Whilst the appellant, referencing the submitted Arboricultural Report, argues there would not be undue shading of the proposed properties from existing trees, having visited the site around midday in late September on a bright and sunny day, I observed that the site was heavily overshadowed, and this was without any built form on it which would further overshadow the north facing gardens proposed.
12. Whilst the wider context of the site shows a range of built forms with instances of dwellings in close proximity to the churchyard and church, and areas of hardstanding, some of these are historic properties, and, in any event, each site must be determined on its own merit. I note the intention to site the parking to the rear to improve the appearance of the frontage. However, frontage parking is not out of character in Talbot Road and in principle would not therefore be harmful to the conservation area. I also note permission has been granted for three two storey dwellings at the appeal site with car parking at the front⁵.
13. For all of these reasons I find that the proposals would harm the setting of All Saints Church and the churchyard walls, and would neither preserve nor enhance the character or appearance of the Carshalton Village Conservation Area. It follows that I also find conflict with the relevant provisions of policies 13, 28 and 30 of the Sutton Local Plan 2018 and D3 and D4 of the London Plan 2021 which seek to protect local character and heritage assets.
14. The harm I have found would be 'less than substantial' for the purposes of para 202 of the National Planning Policy Framework (the Framework) given the scale of works and their range of impact. Nevertheless, great weight should be given to the conservation of heritage assets, and the more important the asset, the greater the weight should be. As per the guidance in the Framework, any such harm should be weighed against the public benefits of the proposal. Clearly there would be the benefit of four or five dwellings respectively and related economic benefits. However, these would be modest given the scale of development. The public benefits of the proposals do not, therefore, outweigh the harm that I have found to the relevant heritage assets.
15. The appellant suggests that leaving the site undeveloped would be harmful visually. However, there is an extant permission on the site for three dwellings and there is nothing before me to suggest there is not a reasonable possibility of this being implemented.

Conclusion

16. I have identified harm to the setting of All Saints Church and churchyard walls, and the Carshalton Village Conservation Area, harm which is not outweighed by

⁵ DM2020/00472

the public benefits of the proposals. I have had regard to all matters raised but these do not outweigh the harm I have found.

17. The appeals are dismissed.

Hayley Butcher

INSPECTOR