
Appeal Decision

Site visit made on 19 October 2021

by D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 11 November 2021

Appeal Ref: APP/P5870/W/21/3272396
113 Welbeck Road, Carshalton SM5 1TB

- 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 Adnan Wadood Rana against the Council of the London Borough of Sutton.
 - The application Ref DM2020/01079, dated 17 July 2020, was refused by notice dated 5 October 2020.
 - The development proposed is demolition of garage and erection of two storey two bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Planning law requires that applications for planning permission be determined in accordance with the development plan for the area, unless material considerations indicate otherwise. In this case, the development plan comprises the Sutton Local Plan (Local Plan) and the London Plan. The National Planning Policy Framework (the Framework) is a material consideration.
3. The Council considered the application against policies in the London Plan (March 2016) that have been superseded by the London Plan (March 2021). Appeals are decided on policies in the development plan that is in force at the time of the appeal decision. I have therefore considered the proposed development against the 2021 London Plan, insofar as it is relevant to the appeal. For the avoidance of doubt, given the strategic nature of the London Plan there are no material differences between the policies in the two plans that affect my conclusions.

Main Issues

4. The main issues in the appeal are:
 - The effect on the character and appearance of the surroundings.
 - Whether satisfactory living conditions would be provided for future occupants of the dwellings.
 - The acceptability of car parking provision.

- Whether satisfactory provision is made for a reduction in carbon emissions, sustainable drainage, and water efficiency.

Reasons

Character and appearance

5. The character of the area is residential in nature, with two storey modern properties of traditional appearance arranged mostly in terraces of varying lengths. The subject property lies at the end of one such terrace. By virtue of the end of terrace location it sits within a more generous plot than its mid terrace neighbours, which allows additional space for garaging and hard standing to the side.
6. Beyond the side boundary of the site there is an area of green space that includes Welbeck Walk and provides a degree of openness to the surroundings and visual relief between built forms that contributes positively to the character of the area.
7. The side of the property is open to close views from the adjacent highway and green space. More distant views are also available when travelling along Welbeck Road.
8. Policy 28 of the Local Plan seeks to grant planning permission for development that is attractive, designed to the highest standard, respects the local context, and responds to local character. Such ambitions are consistent with the aims in paragraph 8 of the Framework of fostering well designed and beautiful places.
9. Whilst there is variation in the size of gaps between terraces in the area, in relation to the properties that are adjacent to the green space and Welbeck Walk there is a consistent pattern of providing a larger gap. This feature makes a valuable contribution to the role that the space plays in terms of providing a sense of openness, ensuring an appropriate set back of built forms and visible gaps between the terraces that surround the green space.
10. The proposal would erode this gap and disrupt the relationship described above. The effect would be harmful to the character and appearance of the area. The set in of the upper floor at the side boundary would not go far enough to mitigate the effects.
11. The impact would be compounded further by the detailed design of the proposed dwelling. The gabled roof form as it would address the open space would be inconsistent with the strong pattern of hipped roofs in the area, particularly evident on the end of terrace properties that are adjacent to the green space.
12. In terms of its relationship with the terrace in which it would sit, in addition to the gabled roof form, the proposed dwelling would be notably narrower than other dwellings in the terrace and would differ in terms of its front building line and front eaves height.

13. These factors would combine to produce a development that would not assimilate well into the terrace or the wider surroundings.
14. The benefits in terms of symmetry, development patterns, and enhancement to the street scene referred to by the Appellant are not satisfactorily evidenced or self evident from the drawings and other details.
15. Whether changes to the design could be made to address these concerns would be matters for the Appellant and the Council to explore as part of any future planning application in the first instance.
16. Considering all the points on this issue, the proposal would have a harmful effect on the character and appearance of the surroundings. Consequently, there is conflict with Policy 28 of the Local Plan and Policy D3 and D4 of the London Plan which relate to design standards for new development.
17. The proposal is clearly intended to be viewed as a separate independent dwelling, rather than an extension to the existing house. As such, while I have considered the principles in the Council's Design of Residential Extensions SPD, it would not be appropriate to overly rely on them in judging the design quality of the proposal. The contents of the SPD have not therefore materially influenced my reasoning on this matter.
18. In reaching my conclusions on this matter, I have considered Sutton's Urban Design Guide SPD, although no specific principles have been drawn to my attention that add a great deal beyond the requirements of Policy 28. As such, this SPD has not been central to my conclusions.
19. Policies 1 and 7 of the Local Plan are cited in the first reason for refusal. The Council have not provided sufficient evidence to satisfactorily explain the direct conflict with these policies that would arise from the proposal.

Living conditions – future occupants

20. Policy 9 says that planning permission will not be granted for new residential development which does not meet the internal space standards set out in the London Plan and where an adequate amount of private amenity space is not provided.
21. In relation to internal space standards, the Council indicate the overall Gross Internal Area (GIA) of the new dwelling would be 55 square metres, with bedroom sizes of 9.9 square metres and 8.7 square metres. The Appellant has not disputed these figures.
22. The overall size of the new dwelling would therefore fall below the 70 square metre minimum space standard indicated in Policy H6 of the London Plan, which is also consistent with the Nationally Described Space Standard¹.

¹ Technical housing standards – nationally described space standards (DCLG) (March 2015)

23. The double bedroom would also fall below the standard. The evidence does not provide sufficient justification for not meeting the required standard. These deficiencies, the plans before me and other evidence points towards an internal layout that would provide unsatisfactory living conditions for future occupants.
24. As this Appeal is decided on the basis of the planning application decided by the Council, whether adjustments could be made to the plans to bring the proposal in line with the required standards would initially be a matter between the Council and the Appellant as part of any future planning application.
25. Turning to provision of private amenity space, the Council indicate that the proposal would result in 26 square metres of space being provided for the new dwelling. Notwithstanding the concerns about the amount of internal space, this would appear adequate for a dwelling of the size proposed. In reaching this conclusion I have paid regard to the guidance in the Council's Supplementary Planning Guidance. However, considering the size and nature of the proposal and the general pattern of local development, a 40 square metre requirement would be unnecessarily onerous.
26. Considering all the points on this issue, the proposal would not result in satisfactory living conditions being provided for future occupants. Consequently, there is conflict with Policy 9 of the Local Plan and Policy D6 of the London Plan which relate to standards for residential development.

Car parking provision

27. Policy 37 of the Local Plan requires accordance with the Council's maximum car parking standards. Table 11.4 in Appendix 11 of the Local Plan sets out the standards for dwelling houses, which would be a maximum of 1 space for a 1-2 bedroom dwelling and 2 spaces for a 3 bedroom dwelling.
28. The Appellant's statement indicates that two spaces would be provided, one for each of the dwellings. The level of provision would therefore meet the maximum standard.
29. Whilst the standards are expressed as a maximum, note 3 to Table 11.4 indicates that in areas with a PTAL level of 2 (such as the site) maximum provision may be required, which would be considered on a case by case basis. The Council have not provided satisfactory site specific evidence to demonstrate why maximum provision should be required in this case, including any specific risks from overspill parking.
30. Whilst the submitted plans do not indicate specifically where the two spaces would be located, the plans, along with the existing arrangements that are visible on site show that two spaces could reasonably be accommodated.

31. Details of the specific location of the parking spaces for each dwelling, along with measures to retain their use for parking purposes could be satisfactorily secured using conditions.
32. Considering all the points on this matter, the evidence demonstrates acceptable provision would be made for car parking. Consequently, there is no conflict with Policy 37 of the Local Plan in relation to car parking.

Carbon emissions, sustainable drainage, water efficiency

33. The Council have included a reason for refusal relating to energy and water efficiency and sustainable drainage measures. The inclusion of this reason for refusal is essentially a technicality in the absence of more detailed evidence from the Appellant, rather than a firm position that the proposal would generate harm.
34. Notwithstanding the Appellant's position that the proposal would meet the requirements of the Building Regulations, the lack of substantive evidence prevents me from concluding one way or another on this matter.
35. Whilst it might be the case that some of these matters could be adequately covered using conditions, I am particularly inclined to take a precautionary approach to drainage. Given my conclusions on other matters, which this issue does not influence one way or another, it is also not necessary for me to provide a definitive conclusion.

Conclusions

36. I have found that the proposed development would be contrary to the development plan in that it would result in harm to the character and appearance of the area and would not result in satisfactory living conditions being provided for future occupants.
37. I have balanced this against the contribution that would be made to the supply of housing in light of the Government's commitment to significantly boosting the supply of housing, mindful also of the particular contribution that small sites can make.
38. However, this factor does not provide a material consideration that would outweigh the conflict with the development plan.
39. For the above reasons and having regard to all other matters, I conclude that the appeal should be dismissed.

D.R. McCreery

INSPECTOR