



Appeal Decision

Site visit made on 29 November 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2022

Appeal Ref: APP/P5870/W/21/3274394

Garage adjacent to 9 Devonshire Road, Sutton SM2 5HQ

- 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 Mark Chennell against the decision of London Borough of Sutton.
 - The application Ref DM2020/02125, dated 18 December 2020, was refused by notice dated 10 March 2021.
 - The development proposed is described as the change of use of existing detached garage to residential use to provide a one person studio unit involving a front extension, mezzanine floor and rear balcony.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are as follows;
 - Whether the proposed development would provide for a satisfactory standard of accommodation for future occupiers with regard to internal and external amenity space;
 - The effect of the proposal on the character and appearance of the area; and
 - Whether the proposal provides sufficient information regarding carbon reduction and climate change.

Reasons

Living Conditions

3. The appeal site comprises a detached garage located in between two blocks of flats. The garage is not associated with the neighbouring properties and benefits from separate parking and access on to Devonshire Road. The proposal involves the conversion of the garage to provide a one-bedroom dwelling. The garage would be extended to the front, the roof raised, and a dormer inserted. A balcony would be provided to the rear.
4. The appellant has calculated that the proposal would have a total floor area of 40.82 square metres spread over two floors, with the appellant arguing that this meets the required standards for a one person flat. However, as the proposal is for a two-storey dwelling the internal space requirements would increase. The nationally described space standards¹ (NDSS) provides guidance

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

on the minimum internal space requirements for dwellings, with 58 square metres set as the minimum standard for a one-bedroom two-storey dwelling. Policy 9 of the Local Plan 2018² (Local Plan) states that, with regards to internal space standards, the London Plan's space standards are the most appropriate to use. Policy D6 of the London Plan (LP) requires that housing developments be of a high quality and provide adequately sized rooms. This policy also echo's the space standards contained within the NDSS.

5. Given that the NDSS and LP figures are minimum standards which are intended to act as a benchmark for high quality design, the shortfall in the proposed floorspace provision is not appropriate, and the proposal would provide unsatisfactory living conditions for future occupiers.
6. The outdoor amenity space to be provided is in the form of a balcony measuring approximately 5 square metres. Nearby flats have large areas of communal open space with dwellings in the area benefitting from rear gardens. Based on the size of the balcony, the amount of outdoor amenity space to be provided would be small and cramped in comparison with nearby dwellings. As such, it would be substandard and would not be sufficient to ensure adequate living conditions for future occupiers.
7. The appellant states that the external amenity space complies with the minimum standards. Policy 9 of the Local Plan refers to the space standards contained within the Mayor of London Housing Supplementary Planning Guidance (SPG)³ which states that a minimum of 5 square metres of private outdoor space should be provided for a 1-2 person dwelling. However, the policy states that in suburban settings this minimum private outdoor space standard is inappropriate and sets a guide of 25 square metres for one-bedroom dwellings, which can be reduced in Areas of Potential Intensification (API) provided that surrounding local character is accounted for.
8. The site is located within an API however nearby dwellings benefit from private space provided as rear gardens. The provision of private amenity space in the form of a small balcony would be at odds with the character of nearby dwellings. The question of whether a development provides sufficient outside space depends on the specific circumstances of the case. In this case, I conclude that the level and quality of outside space proposed is not sufficient to provide an acceptable standard of accommodation to future occupiers of a one-bedroom unit.
9. I conclude that the proposed development would not provide appropriate living conditions for future occupiers with regards to internal and external amenity space. Therefore, it would not accord with Local Plan Policy 9 and LP Policy D6 which, amongst other things, seek to ensure that development is of a high-quality design that provides adequate internal and external amenity space. It would also not meet the aims of paragraph 130 of the Framework in terms of ensuring that development has a high standard of amenity for future users.

Character and appearance

² London Borough of Sutton Local Plan 2016-2031 (February 2018)

³ Mayor of London Housing Supplementary Planning Guidance 2016 (London Plan 2016 Implementation Framework)

10. The appeal site is located in a predominantly suburban residential area. As well as developments of blocks of flats there are residential dwellings set back from the road with garden/parking area to the front and gardens to the rear. The area is characterised by a mix of dwellings and flats of varying designs finished in buff, red brick, and render. The appeal building is a detached garage finished with buff brick and timber cladding under a terracotta tiled roof. Whilst detached garages are not prevalent in the area the materials used in its construction is typical of its surroundings.
11. The prevailing pattern of development in the surrounding area is dwellings set behind front gardens with gardens to the rear which provides a spacious feel to the area. The lack of amenity space results in a cramped form of development which is at odds with the spaciousness of surrounding dwellings. This would result in a cramped form of development, discordant with and harmful to the character and appearance of the area.
12. The proposal would involve relatively minor alterations to the existing building. The alterations would utilise matching materials and the dwelling would remain set back from the road. The garage is existing, and the proposal would not alter the appearance of the building to such an extent that it would appear as an incongruous addition to the surrounding area.
13. Whilst I have not found harm in relation to the alteration to the buildings, the lack of amenity space would be at odds with the character and appearance of the area. I conclude that the proposed development would have a harmful effect on the character and appearance of the area. Therefore, it would not accord with Local Plan Policies 1 and 28, LP Policies D3 and D4 or the guidance contained within the Creating Locally Distinctive Places Supplementary Planning Document (SPD) 2008 which, amongst other things, seek to ensure that development respects local context and responds to local character. It would also not meet the aims of paragraph 130 of the Framework in terms of ensuring that development is sympathetic to local character.

Carbon reductions and climate change

14. Local Plan policies 31, 32 and 33 seek to ensure that new development, including conversions, provide sufficient information to ensure that new development is resilient to the future impacts of climate change. This includes reducing carbon emissions and the use of sustainable drainage and water efficiency measures.
15. These policies require the submission of information, which includes energy statements and a site drainage strategy. No evidence or information has been submitted by the appellant to demonstrate why they consider this information unnecessary. Whilst the appellant has advised that this could be conditioned, the wording of such a condition has not been provided. In any event, matters such as drainage and carbon reduction measures could alter the design of development. As such I consider that this information would be required up front rather than left to a condition. Therefore, there is no material consideration that would outweigh these policies which have been subject to rigorous Local Plan Examination.
16. For the reasons set out above I consider that the proposed development provides insufficient evidence for me to reach a conclusion on its effect on carbon reduction and climate change. Therefore, it would not accord with Local

Plan policies 31, 32 ad 33 or LP Policies SI2, SI3 and SI5 which, amongst other things, seek to ensure that development minimises the vulnerability of people and property to the future impacts of climate change. It would also not meet the aims of paragraph 154 of the Framework in terms of ensuring that development avoids increased vulnerability to the range of impacts arising from climate change.

Other Matters

17. The benefits the appellant has noted in relation to the provision of housing, socio-economic benefits and employment opportunities has been considered. I acknowledge these points but the public benefits of such would be modest as the scheme is for a single dwelling. As such, the public benefit of an individual dwelling would be modest. In light of the above, I find the benefits would not outweigh the harm identified.
18. I note the letter in support of the proposal, however this does not alter the identified harm.

Conclusion

19. For the above reasons, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. Consequently, the appeal should be dismissed.

Tamsin Law

INSPECTOR