



Appeal Decision

Site visit made on 1 February 2022

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 8 March 2022

Appeal Ref: APP/P5870/W/21/3279426
22-34 High Street, Cheam SM3 8RL

- 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 Shariful Islam against the decision of the Council of the London Borough of Sutton.
 - The application Ref: DM2020/00947 dated 12 October 2020, was refused by notice dated 5 February 2021.
 - The development proposed is erection of a 2 storey building with roof accommodation comprising 6 residential flats (4 x 2 bedroom flats and 2 studio flats) with provision of refuse storage and bicycle storage with six car parking spaces.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) The effect of the proposal on the character and appearance of the local area and of the Cheam Village Conservation Area and
 - b) Whether the proposal would provide an acceptable mix of dwelling sizes.

Preliminary Matters

3. The original application was dated 25 June 2020, but a revised certificate of ownership was required and therefore the application was not fully validated until this revised certificate, dated 12 October 2020, was received. This is therefore the date I have used in the header above.
4. Although not referenced by the Council, the Appellant has referred to the 2021 London Plan in its statement whereas the decision notice refers to Policy 7.3 of the London Plan 2016, which I therefore understand to have been superseded with the 2021 London Plan.

Reasons

Issue a) Character and Appearance

5. The appeal site is a partly vacant area of land to the rear (south) of 22 – 34 High Street (A232) Cheam, with vehicular access to the rear from the eastern end of the frontage block of buildings. It includes a tarmac area to the

- immediate rear of Nos 22-34, currently used for parking and a more open area of land to the south. A number of photos enclosed with the Appellant's statement show this area used for informal parking, although it was vacant at the time of my site visit. The appeal site also includes a pedestrian link between houses in Tabor Gardens to the east and set at a higher level.
6. Most of the appeal site appears to lie outside of The Cheam Village Conservation Area but immediately adjoining it. The Conservation Area plan has very thick boundary lines but it would appear that the main development site lies outside but adjacent the Conservation Area, with the car parking area to the immediate rear of the existing buildings fronting the High Street and access way lying within the Conservation Area.
 7. The Conservation Area includes the buildings fronting the High Street and Station Way, but Tabor Gardens is outside of the Conservation Area. The Cheam Village Conservation Area is an extensive and diverse conservation area, including the open park land of Cheam Park, residential areas and including the commercial core of the village around the crossroads of the High Street and Station Road. As a result, I agree with the Appellant that there is a variety to both the character and appearance of this designated heritage asset.
 8. The proposal seeks to introduce a two storey building with roof accommodation to provide six flats together with car parking and bicycle storage and amenity space in the form of terraces and balconies for the flats. The main proposed built development would be on the parcel of land outside of the Conservation Area with the proposed car parking on the land already used for parking within the Conservation Area.
 9. I agree that there would be no objection in principle to the introduction of residential accommodation in this location given its siting within an accessible location, close to the facilities within Cheam Village. It would be supported in principle by policies in both the London Plan 2021 as well as the Sutton Local Plan.
 10. It would be a backland form of development as the site has no street frontage. The rear of existing buildings along the High Street, including service areas and the surface level car park to the adjacent public house on the High Street as well as the rear gardens to houses in Tabor Gardens surround the site.
 11. Notwithstanding these acknowledged constraints, I do not consider that the proposed development would relate well to the surrounding development, in terms of its siting, orientation, massing and form. Although it would not be seen from the High Street or Station Way, it would be widely seen from the rear of the existing frontage buildings and from the rear of houses in Tabor Gardens. In such views it would appear as an incongruous form of development unrelated to the surrounding townscape. It would appear isolated in its siting without the opportunity to create its own sense of place. It would in my view neither relate to the more tightknit townscape fronting the High Street and Station Way or the more spacious development to the rear.
 12. Within the site itself, there would be generally acceptable margins with open space to the northern and southern boundaries and some of the western boundary, but there would be a very limited margin to the eastern boundary and part of the western boundary. The east facing elevations to the proposed building would also present blank gable facades. The combined effect of these

very limited margins together with the blank facades would lead to the development appearing very harsh, uncomfortably cramped and visually intrusive; it would be out of character and appearance with the surrounding pattern of development. There would similarly be a particularly tight and uncomfortably cramped relationship between the built proposal and the boundary of the site in the north western corner, which would exacerbate the harm I have already found.

13. I am not therefore satisfied that the development would respect the character and appearance of the local area and preserve the setting of the Cheam Village Conservation Area which it immediately adjoins. This would conflict with Policies 1, 28 and 30 of the Sutton Local Plan, the Council's Supplementary Planning Document 14 'Creating Locally Distinctive Places' as well as the National Planning Policy Framework (Framework), and in particular Sections 12 and 16, all of which amongst other things seek a high standard of design which respects the local context and preserves the setting of Conservation Areas.
14. I have been referred to a previous appeal decision on the site which was dismissed under the Ref: APP/P5870/W/19/3230983 and have been provided with a copy of that decision. Each proposal must be considered on its individual merits, but I find nothing in my assessment which contradicts that previous decision. The Appellant has also drawn my attention to another development to the rear of the High Street. Although I have been provided with limited information, I have nonetheless taken it into account, but each proposal must be considered on its individual merits. I do not consider that the existence of this other development persuades me to a different view in respect of this proposal.

Issue b) Mix of Dwelling Sizes

15. Policy 9 of the Sutton Local Plan seeks for a minimum of 50% of new dwellings on sites outside of Sutton Town Centre, and therefore including this site, to have three bedrooms or more, unless it can be demonstrated that this would be unsuitable to the location or unviable. This policy seeks, amongst other things, to meet the strategic objectives of providing homes of the right price, right tenure and right size for the Borough's current and future residents. The Framework at paragraph 62 also supports the size, type and tenure of housing needed for different groups to be assessed and reflected in planning policies.
16. In proposing 4 x 2 bed units and 2 x studio units, the scheme would clearly not accord with this policy objective in the Sutton Local Plan. I have noted that this issue was not raised in respect of the earlier appeal scheme, but I am required to consider and determine this appeal in accordance with the development plan unless material considerations indicate otherwise.
17. The Appellant has indicated that the given the constraints of the site it would not be possible to provide 3 x 3 bedroom units to accord with the stated objective under Policy 9 but there is no evidence before me to explain that statement. There also appears to be more emphasis on 1 and 2 bedroom units under Policy H10 of the London Plan although this policy does indicate that the housing size mix should be based on robust local evidence of need.
18. The Appellant has also referenced a number of other schemes within the same Borough where residential developments were granted permission, but where the dwelling mix has not accorded with this same policy. However, except in so

far as the Council has indicated that each proposal was considered in its merits, I have no other information before me in respect of these other sites, and they do not therefore persuade me that the existence of other examples overcomes the need to respond to the policy in this case.

19. I have taken into account the constraints of the site, and the merits of the accommodation proposed, but there is insufficient information before me to be able to conclude that the scheme could not provide a mix of housing to accord with the policy objectives of Policy 9 of the Sutton Local Plan and the Framework in this regard.

Other Considerations

20. A number of objections were raised at the application stage in relation to access and parking, harm to living conditions of local residents as well as impact on trees. I have taken them into account in my consideration of this appeal, but agree with the Council that there would be no material concerns in each of these regards. The proposed units would be oriented and at a sufficient distance from the existing dwellings to ensure no material harm to the living conditions of existing neighbours; the submitted arboricultural information is satisfactory to demonstrate the protection of existing trees and I consider that the parking arrangements would be appropriate taking account of both the accessible location but also the constraints of the red route along the High Street.

Planning Balance and Conclusion

21. I agree that the site would be suitable in principle for residential development and that the provision of six units would boost the supply of housing. However, the Council has indicated that it is able to meet its five year housing land supply and no other information has been presented to challenge that position.
22. The harm I have concluded would be significant and as a result the social and environmental roles of sustainable development would not be achieved. The conflict with the development plan is not outweighed by other considerations including the Framework.
23. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR