The Planning Inspectorate

Appeal Decision

Hearing held on 5 October 2022

Site visit made on 5 October 2022

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2022

Appeal Ref: APP/P5870/W/22/3301306
Northumberland House, Brighton Road, Sutton SM2 5AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Northumberland Freehold Ltd against London Borough of Sutton.
- The application Ref DM2020/00571, is dated 3 April 2020.
- The development proposed is the erection of two additional storeys to the main block, one additional storey to the western block and an infill extension to the undercroft, to provide 39 additional self contained residential units, additional cycle spaces/storage and a reduction in parking spaces.

Decision

1. The appeal is dismissed and planning permission for the erection of two additional storeys to the main block, one additional storey to the western block and an infill extension to the undercroft, to provide 39 additional self contained residential units, additional cycle spaces/storage and a reduction in parking spaces is refused.

Applications for costs

2. The appellant has made an application for costs against the London Borough of Sutton. This application is the subject of a separate decision.

Preliminary Matters

3. The parties have agreed a Statement of Common Ground detailing, amongst other matters, the agreed plans, conditions and matters not at dispute. The parties are thanked for their time and effort in reaching agreement across these areas, ensuring that the Hearing was able to focus on the main issues at dispute.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the appeal property and the wider area including the Sutton Town Centre Conservation Area.

Reasons

5. The principle of the appeal scheme, specifically the increase in height of the appeal building, is not at dispute between the parties and based on the evidence before me I find no substantive reason to conclude otherwise.

6. The appeal property forms part of a cluster of taller buildings near to the Sutton Train Station and high street, where development is of a notably lower height.

7. The exterior of the existing tower block is characterised by the repetition and vertical alignment of external cladding materials and windows. It was discussed at the hearing that the existing tower block was converted from offices to residential flats using permitted development rights. As such, the policies of the Development Plan were not relevant and subsequently the development would not comply with, amongst other matters, the nationally described space standards.

8. In contrast, the appeal scheme must comply with a wide range of requirements and as a consequence, to the benefit of the internal arrangement of the living accommodation, the windows of the appeal scheme do not vertically align with those of the existing building.

9. The submitted plans and images show the use of the same external materials as the existing building and the same arrangement of dark grey or salmon pink cladding to the windows interspaced by white panels. Furthermore, the submitted plans do not show any notable separation or other distinction in the transition from the existing to the proposed extension.

10. The vertical alignment of windows and cladding colours is a key characteristic of the appearance of the building. However, the proposed scheme neither continues this feature nor offers a contrasting difference. Consequently, the appeal scheme appears as an incongruous extension to the appeal property harming the character and appearance of the property and the wider area.

11. With regards the wider area, and recognising the statutory duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, the appeal site is situated outside of but near to the Sutton Town Centre Conservation Area (the CA), a largely linear set around the High Street. The significance of the CA lies in the encapsulation of the high street as a traditional town high street, the designated and non-designated heritage assets of the CA chart the area's transformation from a modest railway town into the modern London Borough of Sutton.

12. I saw at the site visit and the appellant's visualisations of the proposed development demonstrated that the appeal property is visible from some locations in the CA, along with other taller buildings situated outside of the CA.

13. The CA accommodates a number of listed and locally listed buildings, I saw at the site visit that the appeal property is visible and viewed alongside a number of properties, principally those on the High Street, including but not limited to grade II listed The Cock and Bull and locally listed properties 2 – 9 High Street. Therefore, the appeal scheme forms part of the background within which the CA and other designated and non-designated heritage assets are viewed.

14. I have previously found that the proposed extension would be an incongruous addition and thus harmful to the character and appearance of the area. Correspondingly, because the appeal property and the proposed development would be visible from many locations within the CA I find that the appeal scheme would fail to preserve or enhance the special architectural or historic

interest of the CA. The harm that it would cause is less than substantial, to which I attach considerable importance and weight.

15. As such the appeal scheme is contrary to Policy DM28 and DM30 of the Sutton Local Plan that amongst other matters requires that development be of a high standard of design and to not harm heritage assets.

Other Matters

16. That appeal scheme would deliver additional residential units on an existing property that is identified for such a development in an accessible urban location is a material consideration that weighs in favour of the appeal scheme but does not outweigh the harm I have identified previously.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

Mr M Brooker

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Tim Bystead
Luke Raistrick
Laurie handcock

FOR THE LOCAL PLANNING AUTHORITY:

Robert Winkley
Sanchita Raghunathan
Cllr Louise Phelan
Cllr Richard Clifton