



Appeal Decision

Site visit made on 9 November 2022

by D Barlow BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2023

Appeal Ref: APP/P5870/W/22/3299791

146A Stafford Road, London, SM6 9BS

- 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 Harshal Kshatri against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2021/02443 dated 23 December 2021, was refused by notice dated 17 February 2022.
 - The development proposed is an erection of a double storey rear extension with three skylights, to create a double size garage and an office space above.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a double storey rear extension with three skylights, to create a double size garage and an office space above at 146A Stafford Road, London, SM6 9BS, in accordance with the terms of the application Ref DM2021/02443 dated 23 December 2021, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on the:
 - character and appearance of the area,
 - pedestrian and highway safety, and
 - whether the development could be suitably drained.

Reasons

Character and Appearance

3. The host property is situated in the middle of a tree lined parade of shops with living accommodation above, on a busy thoroughfare. To the rear of the parade is an un-made up road where several vehicles are parked off street and a variety of extensions to the original buildings have been constructed. Whilst the parade frontage provides an attractive street scene, the rear is a rather haphazard mixture of architectural styles which the appeal site lies within.
4. The proposal is for a double garage which would replace what is an existing store- room with an office on the first floor above it. The proposed office would cover just over half the width of the ground floor extension and contain a shallow pitched roof with rooflights.

5. The properties at Nos 138-140 and 164 Stafford Road have two storey rear extensions, the latter being not dissimilar to the proposal here before me. Whilst they do provide side frontages, they are both unremarkable in architectural style and the proposal before me would not be out of character with the street scene to the rear back lane as a whole. Whilst the first floor extension would not be attached to the existing building, this would not appear overbearing or incongruous and the materials and design proposed would respect the local context.
6. Given the above I conclude that the proposal would respect the character and appearance of the area, in accordance with Policy 28 of the Sutton Local Plan 2016-2031(February 2018) as it would make a positive contribution to the street-scene and respect the local context.

Highway Safety

7. To the rear of the property is an unmade road from which the proposed development would be accessed. This appeared to be not heavily trafficked and no vehicles or pedestrians used the lane whilst I was on my site visit. Although this was a snap shot in time, I have limited evidence before me to suggest this was not the normal situation.
8. The new garage is shown to be large enough to accommodate 2 cars with space around them which would allow vehicles to partly manoeuvre within the garage, if exiting them was restricted by parked vehicles along the access road. Furthermore, it would be likely that vehicles could enter the parking spaces within the building, albeit with a number of manoeuvres necessary if vehicles were parked close to the garage. The proposal also appears to be similar to the garages at 164 Stafford Road, which are also accessed from the rear lane and I have no evidence before me to demonstrate that these spaces cannot be accessed safely.
9. I therefore conclude that the proposal would provide adequate space to enter and exit the proposed garage safely and in view of the low traffic levels, there would be no harm to either pedestrians or highway safety. It would therefore comply with Policy 37 of the Sutton Local Plan which seeks to prevent an increase in on-street parking which can adversely affect traffic flow and highway safety.

Drainage

10. Although the appeal site is located within Flood Zone 1, it is within a critical drainage area. Policy 37 of the Sutton Local Plan requires, amongst other matters that developments incorporate effective sustainable drainage in order to manage surface water run-off. The appellant has set out measures that would be incorporated into the design of the proposal, however this information does not demonstrate that the peak run-off rates and volumes would accord with the criteria set out within Policy 37. Notwithstanding this, I am satisfied that such matters could be controlled by a suitably worded planning condition.
11. In light of the above, I conclude that a suitably worded condition could ensure that the requisite requirements would be met and that the site could be suitably drained, in accordance with Policy 32 of the Sutton Local Plan.

Conditions

12. The Council has suggested a number of conditions it would wish to see imposed in the event that the appeal is allowed. I have assessed these in regard to the advice provided in the National Planning Policy Framework and the Planning Practice Guidance on conditions.
13. Conditions 1 is necessary to comply with the 1990 Town and Country Planning Act; Condition 2 is necessary for certainty; Condition 3 is to protect the character and appearance of the area; Condition 4 is necessary to ensure the site is suitably drained; Condition 5 is necessary to protect the living conditions of nearby occupiers and Condition 6 to protect the safety of the intended future occupiers and nearby occupiers.
14. The suggested condition on a Construction Logistics Plan is neither reasonable or necessary given the scale and nature of the development. I have therefore not imposed it.

Conclusion

15. For the reasons above and having regards to all other relevant considerations, I conclude that the appeal should be succeed.

D Barlow

INSPECTOR

Schedule of Conditions :

1. The development must be begun not later than the expiration of three years beginning with the date hereof.
2. The development shall be carried out in accordance with the following approved drawings/details: DWG No 146 SR-PL, 11 (Rev B), 00 (Rev B), 12 (Rev B), 13 (Rev B), 15 (Rev A), 16 (Rev A), 17 (Rev B), 19 (Rev A), DWG No 16 NA-PL-14 (Rev B).
3. All external facing materials, treatments and finishes shall be similar to those of the original building and maintained and retained thereafter. This applies unless differences are shown on the approved drawings.
4. No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall have first been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non statutory technical standards for sustainable drainage systems, the Mayor's drainage hierarchy and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters, including a timetable for its implementation.
5. Demolition or construction works shall only be carried out between the hours of 0800 and 1800 hours Monday to Friday and 0800 and 1300 on Saturday and not at all on Sundays and Bank Holidays.
6. The development hereby approved shall not be brought into use prior to the approval of a Fire Safety Strategy pursuant to Policy 12 (A) of the London Plan, and shall thereafter be constructed in accordance with the approved details.