



Appeal Decision

Site visit made on 16 December 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/P5870/W/22/3299031

56 St James Road, Carshalton SM5 2DU

- 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 Mr Rizwan Shabir against the Council of the London Borough of Sutton.
 - The application Ref DM2021/02237, is dated 6 October 2021.
 - The development proposed is erection of 1 and 2 bedroom flats on the first floor, 1 bedroom flat on the second floor and a commercial unit on the ground floor.
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Decision

1. The appeal is dismissed and planning permission, for the erection of 1 and 2 bedroom flats on the first floor, 1 bedroom flat on the second floor and a commercial unit on the ground floor, is refused.

Preliminary Matter

2. The appeal is made against the failure of the Council to issue a decision on the application within the prescribed period. The Council's putative reasons for refusal are set out within its Statement of Case, and I have considered the appeal on this basis.

Main Issues

3. On the evidence before me, I consider the main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect on the living conditions of neighbouring occupants, with respect to outlook, light and privacy;
 - Whether a suitable standard of accommodation would be provided, with reference to external amenity space, and;
 - The effect of the proposal on highway and pedestrian safety.

Reasons

Character and Appearance

4. St James Road is a narrow residential street falling within the St John's Road Area of Special Local Character (ASLC), a small area covering three parallel streets characterised by modest Victorian terraced housing standing two storeys in height with small front gardens.

5. The appeal site occupies a corner site at the junction with St Andrew's Road. It comprises a wide front section facing St James Road that has two internal storeys, behind which is a long, single storey section with pitched roof. The front section of the building stands lower than the neighbouring dwellings at Nos 52 and 54, though its scale is commensurate with other dwellings, including those directly opposite. However, the building is an anomaly in the street, being detached with a wider and deeper footprint and prominent gable to its front elevation. It also has a harsh, industrial appearance with plain, red brick walls, corrugated roof panels and external areas used for waste storage that have been subject to overgrowth and other detritus.
6. The proposal would see the front section increased in height by one storey and extended back to around half the overall depth of the building, with one flat proposed at first floor level and one at a new second floor level. The roof of the rear section would also be raised to enable a third flat to be created in the roof space. Five new dormer windows would be added in the side roof slopes facing St Andrew's Road. The ground floor would be mostly retained as a storage unit, but the rear part would be given over to internal parking for two of the flats, with externally accessed bin and cycle stores to the side elevation.
7. The plans before me are not consistent. The front section of the building is shown as being increased to both 8.5m and 8.75m in height, whilst the rear section is indicated at both 5.2m and 6.16m. Based on the proposed 2.5m internal floor-to-ceiling heights shown on the section plans, the taller measurements in both cases are the more realistic and consistent across the plans before me, and I have therefore assessed the proposal on this basis.
8. The proposed structure would generally retain the shape and materiality of the existing building, with the gabled front elevation and lower structure at the rear. However, the increase in height and massing would create a more physically dominant structure. At the front, the building would extend above the height of neighbouring dwellings and the creation of a third storey, even allowing for the fact that it would be within the narrowing massing of the gable, would be at odds with the consistent two storey scale along the street and the more modest character of dwellings within the ASLC.
9. In terms of detailed design, the side elevation facing St Andrew's Road would include an awkward window placed at the very corner of the elevation. The windows on this elevation would fail to align vertically and would create a disjointed and substandard appearance to the building on this side. The front elevation would also lack proportion and order to its fenestration due to windows at first floor level being larger than those below at ground floor level; the front door and window above being narrower and set apart from the other windows in an asymmetrical pattern; and the second floor window being set in a cramped position high on the gable between the eaves and the first floor window below. Such shortcomings in the basic composition of the main façade would undermine the overall appearance of the dwelling and add to its incongruous presence in the street scene.
10. It is also proposed to erect 2m high, black wrought-iron style railings around the front and side perimeters of the site. I note an application for 'green palisade security fencing' was dismissed at appeal in 2020 on the grounds of its industrial appearance within a residential area and its adverse effect on the openness of the street scene. The railings proposed are less harsh in design

than those previously sought, but still of the same height. As such, they would have a similar discordant presence within a street scene that is characterised by low boundary treatments, or in some cases none at all, which contribute a sense of openness that would be eroded. The context of the site also differs from that of the Salvation Army building on St Johns Road cited as precedent, as that building stands apart from the nearest residential dwellings at the end of the street and is opposite a taller wall to the facing property.

11. I acknowledge that there was previously a post-and-wire fence around the site, and the fencing is sought to address security concerns following unfortunate incidents of vandalism and fly-tipping; however, it has not been demonstrated that the proposed fencing or the overall design of the development is the only means of securing the site, or indeed improving its current untidy appearance.
12. The Council also raises concerns over the quantum of development proposed. I have little evidence of the level of activity generated by the existing use. I saw the surrounding urban grain to be tight, with dwellings close to the street and extensive on-street parking on both sides of the road. The addition of three flats would create a more intensive form of development, with the overall levels of activity increased by the retention of office/storage space on the ground floor. However, I am not furnished with persuasive evidence that the addition of three small flats would lead to a significant change to what is already a dense urban residential character within the area.
13. Nonetheless, for the reasons set out, I conclude that the proposal would harm the character and appearance of the area, and the significance of the St John's Road ASLC, a non-designated heritage asset, in conflict with Policies H2 and D3 of the London Plan (March 2021) (the LP21) and Policies 28 and 30 of the Sutton Local Plan (February 2018) (the SLP), which together require well-designed new homes on small sites that optimises their capacity; that development is attractive, designed to the highest standard, respects the local context and responds to local character; and that development conserves and, where practicable, enhances those elements which contribute to the ASLC's particular character or appearance.
14. There would also be conflict with the National Planning Policy Framework (the Framework) which sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that developments should achieve high quality design and be visually attractive as a result of good architecture. Having regard to Paragraph 203, I consider the harm arising from the adverse effect on the significance of the ASLC should be afforded limited weight in the overall planning balance.

Neighbours' Living Conditions

15. The rear wall of the building forms the boundary with 59 St Johns Road behind the site. Although the appellant states that the existing gable end wall is to remain, some of the plans before me indicate that the height of the wall would have to increase to provide sufficient internal headroom at first floor level. If so, this would result in an increased sense of enclosure for occupants of No 59, due to its proximity to the rear garden and ground floor windows.
16. Moreover, given the position of No 59 roughly to the north-west of the appeal site, and No 57 to the north, the additional height of the building could give

rise to increased overshadowing or loss of sunlight and daylight to neighbouring properties. However, no details of the effect of the proposal on sunlight and daylight have been provided. In the absence of such information, I cannot be satisfied that no such adverse effects would occur.

17. In a similar vein, the plans before me are not sufficiently clear as to the position of rear windows to No 54 relative to the proposed windows in the side elevation at first floor level. As such, I cannot conclude that no new opportunities for overlooking of the dwelling at No 54 or its garden would arise as a result of the proposal. In respect of No 58, this is separated by the public realm and I saw that the windows to the side elevation of No 58 were obscurely glazed. Consequently, I am satisfied that the proposed dormer windows would not lead to a harmful loss of privacy for occupants of No 58.
18. However, for the reasons set out, the proposal fails to demonstrate that there would not be any harm to neighbours' living conditions in terms of outlook, overshadowing, loss of light and privacy. This would conflict with Policy 29 of the SLP, which requires that proposals do not have an unacceptable impact in terms of matters including overlooking, loss of privacy, outlook, sense of enclosure, sunlight, daylight and overshadowing. There would also be conflict with the Framework which seeks developments with a high standard of amenity for existing and future users.

Standard of Accommodation

19. The Mayor of London's Housing Supplementary Planning Guidance (SPG) sets out that 1-2 person dwellings should have 5sqm of private outdoor space and an extra 1sqm for each additional person. The Council's Urban Design Guide (UDG) sets significantly higher minimum standards of 25sqm for flats or one-bedroom units and 40sqm for two-bedroom units.
20. No external space would be provided for any of the flats, with the plans instead showing extra 'amenity space' within the units of between 5 and 6.4sqm. However, Policy 9 and Paragraph P9.6 of the SLP set out that in some cases, particularly Areas of Potential Intensification, the minimum standards of the UDG may be too onerous and that provision may be considered on a case-by-case basis. In this case, there are clear space constraints on the site that preclude the provision of a total of 90sqm of external amenity space to meet the cumulative standards of the UDG, or indeed the lower LP21 standards.
21. The internal amenity space proposed would not be an adequate substitute for private external space, particularly if, in the case of Flat 1, some of this space would be required to provide bedrooms large enough for double occupancy, or in the case of Flat 3, there is no other storage space indicated. However, I accept that the flats could be re-arranged internally to meet the space standards and provide a satisfactory standard of accommodation. I also note the availability of public open space within a couple of minutes' walk of the site at Rushey Meadow Park, and various local shops and amenities a similar distance away on Green Wrythe Lane. Overall, therefore, I am satisfied that such facilities would help mitigate for the absence of dedicated private external space, and the proposal would provide a suitable standard of accommodation.
22. Therefore, despite the conflict with the aforementioned guidance in respect of external space, I find no conflict with the overall aims of Policy D6 of the LP21 or Policy 9 of the SLP to provide suitable standards of accommodation.

Highway and Pedestrian Safety

23. The proposal seeks to widen the existing loading bay door to the rear of the building to provide access for two internal car parking spaces. The Council raises concerns over a lack of detail in respect of the parking access, as well as the parking needs of the storage unit and details of the cycle storage.
24. In terms of parking requirements, the site has a PTAL of 3. Under Table 10.3 of the LP21, the maximum parking provision for 1-2 bed units in Outer London is 0.75 spaces per dwelling. The provision of two spaces would therefore be below the maximum standard of 2.25 spaces in this case. In respect of the ground floor use, I am not provided with any relevant standards, but given Policy T6.2 expects application of maximum standards, and well-connected parts of outer London are encouraged to be car-free, I see no obvious policy conflict in the proposal not seeking to provide specific parking for the ground floor unit which, in any event, would be expected to maintain a similar level of parking demand as at present and so would not, of itself, increase parking demand in the area.
25. St Andrews Road is a short, narrow link between parallel residential streets with on-street parking on the opposite side to the appeal site. Traffic levels and speeds are low around the appeal site, but the presence of parked vehicles directly opposite the proposed access raises doubt as to whether cars would be able to comfortably manoeuvre into and out of the proposed garage, particularly as either the entry or the exit would have to be in reverse. There is also a projecting fence to the garden of 59 St Johns Road which could restrict visibility for drivers exiting the site, and I am not persuaded that proposed mirrors would overcome this. In the absence of any details of visibility splays or tracking of vehicle paths into and out of the garage, I cannot be satisfied that there would be no risk to pedestrians or other drivers from vehicular movements associated with the proposed development.
26. Moreover, the plans before me indicate that vehicles would have to pass through an ante room and an internal garage door before parking in the rear corner in a very tight area barely deeper than the length of a standard vehicle and with very limited space to either side or to pass through the internal door. Such an arrangement would be restrictive and impractical, requiring very precise manoeuvring in a confined space, much of it in reverse, that in my view would deter occupants from using the spaces and instead encourage parking outside the property, adding to demand in an area already suffering high levels of on-street parking.
27. In terms of the cycle parking, it would be possible to submit revised details to satisfy the Council's concerns via planning condition were the appeal to be allowed.
28. For these reasons, I conclude that the proposed access and parking arrangements would not be satisfactory and would pose an unacceptable risk to highway and pedestrian safety, contrary to Policies 36 and 37 of the SLP, which require development to minimise any adverse impact on the highway network and not result in an increase in on-street parking which would adversely affect traffic flow or highway safety. There would also be conflict with the Framework, which sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

29. The proposal would result in the loss of some storage floorspace, though the use itself would be retained at the ground floor level. Having regard to the scale of the development and the nature of the use, I am satisfied that no material harm would arise from this modest loss of floorspace, and the proposal would not conflict with the aims of Policy 14 of the SLP.
30. I note the history of pre-planning correspondence set out by the appellant, and the evident frustration at the time taken by the Council to consider the application. However, such concerns are matters for local government accountability and are not material to my decision, which I have reached on the specific planning merits of the proposal before me.
31. I recognise that the proposal seeks to make more efficient use of an existing brownfield site. However, whilst the Framework supports the effective use of land, this should be done whilst safeguarding and improving the environment. The proposal would not improve the immediate environment in terms of the character and appearance of the area, neighbours' living conditions or highway safety. Therefore, I do not regard the proposal as making effective use of the land that would amount to a benefit to be weighed in favour of the proposal.

Planning Balance and Conclusion

32. The proposal would add additional dwellings to the housing stock in line with the government's desire to boost the supply of housing. However, the small scale of the proposal means this would be only a limited benefit weighing in its favour.
33. There would be economic benefits associated with the construction of the dwellings and use of local services by future occupants, though again, such benefits would be limited, and in part temporary. There would also be some limited benefits in terms of security from the renovation of the building and erection of fencing.
34. Set against these benefits, the proposal would cause significant harm due to the adverse effect on the character and appearance of the area, the significance of a non-designated heritage asset, harm to neighbours' living conditions and harm to highway and pedestrian safety. This results in conflict with the development plan, taken as a whole, to which I afford very significant weight. The other material considerations in this case, taken together, do not indicate that a decision should be made other than in accordance with the development plan.

Conclusion

35. Therefore, for the reasons given, the appeal should be dismissed.

K Savage

INSPECTOR