



Appeal Decision

Site visit made on 16 May 2023

by Darren McCreery MA BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 June 2023

Appeal Ref: APP/P5870/W/22/3306760

Graylaw House, 58 Lodge Road, WALLINGTON, SM6 0UA

- 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 Clifford Miles against the decision of London Borough of Sutton.
 - The application Ref DM2022/00763, dated 21 April 2022, was refused by notice dated 30 June 2022.
 - The development proposed is infill of existing undercroft to the rear of the property to create a single dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Despite the differing addresses, I have decided another appeal relating to this site¹. Although the site visits were carried out at the same time, I have considered the proposals, and related evidence, individually.

Main Issues

3. The main issues are:
 - Effects on the character and appearance of the surroundings
 - Whether acceptable living conditions would be created for future occupants
 - Whether satisfactory provision is made for a reduction in carbon emissions, sustainable drainage, and water efficiency.

Reasons

Character and appearance

4. Despite the site being an undercroft area beneath former commercial premises, the character of the area is predominantly residential. Along with the converted office building itself, of particular significance in terms of character influence are the two storey terraced houses on Lodge Road and the five storey later 20th Century flat block adjacent to the site.

¹ Ref - APP/P5870/W/22/3305990

5. The Wallington Green Conservation Area and a number of Listed Buildings are adjacent. However, undercroft does not engage visually with these heritage assets or others due to the location beneath the converted office building.
6. The main public views are at a closer distance from Lodge Road and within the car park/forecourt serving the flat block and the rest of the site and converted office building.
7. Although not extensively visible, the infilled side elevation of the building would appear significantly out of the proportion with the upper floor. This effect would be reinforced by the window shapes and sizes and the poor relationship they would have with the windows at upper floor level. Taken together, it would not result in high quality design and would instead detract from the character and appearance of the area.
8. I acknowledge the greater absence of formality in terms of layout, scale and appearance in the immediate area around the site as compared to the terraces on Lodge Road. However, I do not agree that the proposal would create a visually attractive development that would be sympathetic to the host property or the wider surroundings. Nor do I consider the design approach to be particularly innovative.
9. For the reasons set, the proposal would have a harmful effect on the character and appearance of the surroundings. As a consequence, there is conflict with Policy D6 of the London Plan 2021 and Policy 28 of the Sutton Local Plan (Local Plan) in relation to high quality design and character and design.

Living conditions

10. In relation to floor to ceiling heights, Policy D6(f) of the London Plan requires housing developments to meet the minimum standards in the policy, including a minimum floor to ceiling height of 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling.
11. The submitted drawings show the proposal in elevation and are therefore insufficient to confirm whether the standard would be met with the required consistency. I have noted that the floor height would include the area beneath the suspended ceiling. However, the photographic evidence doesn't allow for confirmation that the standard would be met with the necessary degree of certainty.
12. Whilst not part of the Council's case, and therefore not on its own material to the outcome of the appeal, there is also insufficient information to confirm whether existing pipes serving the upper floor units (currently concealed behind the false ceiling) would need to change in order to achieve the required floor heights and the feasibility of any such changes.

13. Turning to the quality of outlook, the windows serving the main living space and bedrooms would be at a sunken level compared to much of the main courtyard. They would face directly towards a retaining wall, separated by a relatively narrow gap that would also be used as a parking space, in addition to providing outlook for some of the windows and defensible space.
14. I accept the Council's reasoning in relation to the lack of outdoor amenity space provided. However, considering the remainder of the development as a whole, it would not provide an appropriate standard of outlook, privacy or achieve a comfortable and inviting indoor environment.
15. For the reasons set, the proposal would not create acceptable living conditions for future occupants. As a consequence, there is conflict with Policies D3 and D6 of the London Plan and Policy 9 of the Local Plan in relation to housing standards.
16. The Council's reason for refusal also refers to Policy 28 of the Local Plan relating to character and design. Although I appreciate the general link between design and housing standards, the evidence does not explain in sufficient detail how the proposal conflicts with the specifics of this policy. As such I find no conflict with it.

Carbon emissions, sustainable drainage, water efficiency

17. The Council have included a reason for refusal relating to energy, water efficiency and sustainable drainage measures. The inclusion of this reason for refusal is in the absence of more detailed evidence from the Appellant. The Council have not provided more detailed evidence of site specific harm that would result from the proposal.
18. I understand the Council's wish to assess these matters upfront and what the relevant policies set out. However, notwithstanding the outcome of the appeal, given the evidence put forward I am satisfied that the issues could have been considered at a later point by use of conditions without materially prejudicing the Council's position.
19. In conclusion on this matter, subject to conditions, the proposal would make satisfactory provision for a reduction in carbon emissions, sustainable drainage, and water efficiency. Consequently, there is no conflict with the development plan for the area, specifically Policies SI 2, 4, 5, 12, 13 of the London Plan and Policies 31, 32 and 33 of the Local Plan relating to these issues.

Other Matters

20. I have paid regard to other comments received, which do not affect my conclusions on the main issues.

Conclusion

21. The proposal would be harmful when regard is paid to effects on the character and appearance of the surroundings and whether acceptable living conditions would be created for future occupants. There is conflict with the development plan that flows from the harm.
22. I acknowledge the benefits, principally in terms of delivering housing on a small site, in a brownfield location that is close to existing amenities and public transport.
23. The benefits find support in development plan policy. However, they do not come at any expense and are qualified in terms of ensuring that development is acceptable in relation to other planning impacts. Weighing these matters up, the scale of harm identified leads to conflict with the development plan as a whole.
24. The National Planning Policy Framework (the Framework) is capable of being a material consideration. It must be read as a whole and includes policy addressing the issues raised in this appeal, including significantly boosting the supply of housing (Chapter 5) and achieving well designed places (Chapter 12). Acknowledging what policy in the Framework says, and that planning policy is capable of pulling in different directions, there is nothing that leads me towards a conclusion that differs from what the development plan indicates.
25. Paragraph 11 of the Framework is not engaged as the proposal would not accord with an up to date development plan, nor do I have evidence suggesting that the circumstances at 11d(ii) exist.
26. Applying Section 38(6) of the Planning and Compulsory Purchase Act 2004, in the absence of material considerations to indicate otherwise, the appeal should be determined in accordance with the development plan. In this case that would be a refusal of planning permission.
27. For the above reasons, and paying regard to all the other points made, the appeal is dismissed.

Darren McCreery

INSPECTOR