



Appeal Decision

Site visit made on 26 May 2023

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2023

Appeal Ref: APP/P5870/W/22/3308228
128 Stafford Road Croydon CR0 4NH

- 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 Tony Parlak against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2021/02242, dated 5 November, was refused by notice dated 27 April 2022.
 - The development proposed is the retention of a part one, part two front/side extension with loft conversion to create a new dwelling
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant's Design and Access Statement states that the proposal is for "the retention of a part one, part two front/side extension with loft conversion to create a new dwelling". This is reflected by the application drawings which show the side extension as proposed development. For this reason, and in the interest of clarity, I have adopted the description of development provided on the decision notice in the banner heading above.
3. The development described above has been carried out. This appeal therefore relates to a planning application for retrospective planning permission.

Main Issues

4. The main issues are:
 - (i) whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to private amenity space and internal space;
 - (ii) the effect of the proposal on the character and appearance of the surrounding area;
 - (ii) the effect of the proposal on highway safety, with particular regard to car parking provision; and
 - (iv) whether the proposal would make adequate provision to reduce carbon emissions and water use and adequate provision for sustainable drainage.

Reasons

Living Conditions

5. The appeal property is a 2-storey end-of-terrace house with a rear dormer and accommodation within the roof. It is located next to the junction between Stafford Road and Merebank Lane. The former is a busy main road comprising a mix of commercial and residential uses. The site includes hard landscaped amenity areas to the side and rear and off-street parking at the front.
6. The appeal scheme comprises a 2-storey dwelling with accommodation within the roof attached to the side of the appeal property. It is accessed from Merebank Lane via a small, triangular yard area enclosed by close-boarded fencing. The appellant states that this yard area exceeds the London Plan amenity space requirement for a small dwelling, although as it is not shown on the appeal drawings it is not clear whether this is in fact the case. I note however that some of the yard space is needed to store bins and, due to its narrowness, siting next to the road and the high level of enclosure, I am of the view that this space does not provide adequately useable space for amenity purposes.
7. The appellant's drawings indicate that the appeal scheme has a bedroom on the first floor and a large undefined room at roof level with limited headroom. Given the latter does not appear to be useable space the dwelling effectively comprises a 1-bedroom, 2-person, 2-storey house. The London Plan minimum standard for such a dwelling is 58sqm. The drawings indicate that the floor area of the appeal scheme, excluding the porch, is about 53sqm. This combined with the narrowness of the front part of the ground floor living area and the absence of a bathroom on the floor plans indicates, on the basis of the information before me, that the quality of the internal space is also poor.
8. For these reasons I conclude that the appeal scheme fails to provide acceptable living conditions for future occupiers and therefore fails to accord with Policy 9 of the Sutton Local Plan (2018) (SLP) and Policy D6 of the London Plan (2021) (LP). Taken together these policies seek to ensure that housing development is of a high-quality design and meets relevant standards.

Character and Appearance

9. Planning permission was granted in June 2016 for the erection of a part one, part two storey side extension. Details of this scheme are not before me. I accept however that the appeal scheme is most likely similar to the 2016 permission in respect of its footprint and general arrangement.
10. The appeal property forms one end of a terrace that, when originally built, would have displayed a high degree of unity and harmony. Whilst this has been denuded to a degree, the level, size and proportion of upper floor windows display a high degree of unity and there is a single eaves level at the front. The front windows in the appeal scheme as built, which differs slightly from the appeal drawings, do not follow the level or height of windows in the terrace and the eaves level is raised. This arrangement results in an awkward and incongruous front elevation that is at odds with the appearance of the rest of the terrace. As a consequence, these aspects of the appeal scheme have a unacceptable effect on the character and appearance of the terrace and the surrounding area.

11. For these reasons the appeal scheme is contrary to SLP Policy 28 and LP Policy D3. The former states that new development should respect the local context and respond to local character and make a positive contribution to the street scene.

Highway Safety

12. The appeal scheme does not provide off-street car parking and I note that there is limited capacity for on-street car parking in the area. However, the appeal scheme is a small 2-person dwelling located in an area close to shops and services and has relatively good public transport accessibility. There is a reasonable prospect that future occupiers of the property would be discouraged from car ownership due to these factors.
13. The absence of off-street car parking for the appeal scheme accords with the aims of LP Policy T6, which states that car parking should be restricted in line with levels of existing and future public transport accessibility and car-free development should be the starting point for all development proposals.

Carbon Emissions, Sustainable Drainage and Water Use

14. I recognise that CO2 emissions resulting from the appeal scheme could be mitigated through on-site energy efficiency measures and renewable energy provision and, to a degree, some measures could be installed retrospectively. However, in the absence of an Energy Statement, which is a requirement for new dwellings under Policy 31 of the SLP, it is not possible to establish whether such measures would be sufficient to meet the requirement specified by SLP Policy 31 for minor residential developments to achieve at least a 35% reduction in regulated CO2 emissions on site over Part L of the 2013 Building Regulations. Because I cannot be sure that compliance would be achievable in this case, I find that it would not be appropriate to defer this matter to a planning condition.
15. SLP Policy 32 requires development to incorporate effective sustainable drainage measures and identifies minimum performance standards. I note that there may be measures that could be taken retrospectively such as installing permeable paving and rainwater harvesting. However, in the absence of information to demonstrate that such measures would ensure the performance standards can be met I am unable to determine whether adequate and effective drainage could be provided within the site, and I cannot be sure that flood risk either on the site or elsewhere would not be increased.
16. There are also no details before me to demonstrate compliance with SLP Policy 33 or LP Policy SI5. I note however that the latter states that development proposals should, "*through the use of Planning Conditions minimise the use of mains water in line with the Optional Requirement of the Building Regulations (residential development), achieving mains water consumption of 105 litres or less per head per day*" I am satisfied that such a condition could be applied to a proposal for retrospective planning permission.
17. Although the appeal scheme could make adequate provision to reduce water use in accordance with SLP Policy 33 and LP Policy SI 5, I conclude that adequate provision to reduce carbon emissions and flood risk has not been demonstrated. The appeal scheme therefore conflicts with SLP Policies 31 and

32 and LP Policies SI2 and SI12 and SI13 which amongst other things seeks to minimise greenhouse gas emissions and the risk of flooding.

Other Matters

18. I acknowledge the benefits of the appeal scheme, principally in terms of delivering an additional house on a small brownfield site close to amenities and public transport. However, given the earlier planning permission to extend 128 Stafford Road, the appeal scheme provides a very small dwelling at the expense of creating a large family dwelling so the gain in this respect is negligible, and certainly not sufficient to outweigh the clear harm identified above.

Conclusion

19. For the reasons set out under the first, second and fourth issues above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR