



Appeal Decision

Site visit made on 5 September 2023

by C Billings BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th October 2023

Appeal Ref: APP/P5870/W/23/3318740

9 Beddington Gardens, Wallington, Sutton SM6 0HU

- 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 Amar Patel, 4Alpha Ltd against the decision of the London Borough of Sutton.
 - The application Ref DM2022/02023, dated 8 November 2022, was refused by notice dated 10 January 2023.
 - The development proposed is the construction of a new third floor to create a 1 bedroom apartment.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The above date of application and description of development has been taken from the application form. This description adequately describes the proposal.
3. The appellant has submitted amended plans and additional information since the Council made their decision. This includes an amended section plan and rear elevation drawing of the proposed development. The appeal process is not for evolving a scheme and there is no substantive evidence that interested parties have had an opportunity to comment on those amendments and therefore, they could be prejudiced if I were to take them into account. Accordingly, I have considered the plans that were determined by the Council in making my decision.
4. Since the appeal was submitted, a revised version of the National Planning Policy Framework (the Framework) has been published in September 2023. The revisions to the Framework do not however relate to matters of concern raised in this appeal.

Main Issues

5. The main issues are:
 - The effect the proposed development would have on the character and appearance of the host building and surrounding area; and,
 - whether the proposed development would provide suitable living conditions for the future occupiers, having particular regard to the size of the proposed apartment.

Reasons

Character and appearance

6. The appeal property is a two and half storey building, with flat roof dormers to the front and rear. The appeal site is located at the end of a row of mixed commercial properties that have residential apartments at upper floor levels.
7. The design, scale and ridge height of the existing appeal property is the same as that of the two properties adjacent to it, which continue along Beddington Gardens towards the corner with Woodcoat Road. This forms a strong rhythm and character to this part of the street scene.
8. There are other buildings in the surrounding area that are taller than the proposed development, however these tall buildings are not of the same context, function and setting as the appeal property and the proposals. Other taller buildings in the surrounding area form focal corner features, where the building form rises toward the corners of road junctions or they are stand-alone buildings, such as the supermarket opposite the site, nearby church, or purpose-built tall apartment blocks.
9. The proposed ridge height of the development would be the same as the height of the buildings which continue around the corner of Beddington Gardens and Woodcoat Road. However, having buildings of such height either side of the remaining two 2.5 storey high buildings, creating a bookend-like feature, is not a typical design feature of the surrounding area. Furthermore, the appeal site is not at a road junction, where it would appear as a focal corner feature like other examples in the vicinity of the site. As a result, the proposed bulky roof and higher ridge height in its proposed location, would appear awkward and incongruous in the street scene.
10. The design of the proposed roof with front and side gables and a large rear dormer would in combination be very bulky compared to neighbouring properties. The proposed dormer would extend across the width of the roof of the appeal property and infill most of the first and second floor areas, due to its scale, form and proposed solar panels above. This would result in the dormer appearing bulky and incongruous on the host dwelling and overly prominent in the context of its surroundings.
11. The irregular window detail of the proposed dormer, particularly the large glazing sections would give the dormer a top-heavy appearance. This would not be harmonious with the character and appearance of the host building, nor that of the continuing rear elevations and roof scape of the nearby properties, which have much smaller dormers and glazing elements within the roof slopes. The roof design at the rear would not furthermore appear subservient to the main gable of the building.
12. Having regard to the above, the proposed development would be harmful to the character and appearance of the host building and surrounding area, in conflict with Policy 28 of the Sutton Local Plan and the London Borough of Sutton Urban Design Guide Supplementary Planning Document (SPD) 14, which require development, amongst other things, to respect local context and be of suitable scale, massing, and height.
13. The Council referred to Policies D1, D4 and D8 of the London Plan in its reason for refusal, however, Policies D1 and D4 are not directly relevant to the

proposals, as they relate to policy formulation and wider development site allocation parameters. Policy D8 of the London Plan relates to the delivery of public realm and so again is not relevant to the consideration of the proposal.

Living conditions

14. The proposed amended section plan shows a different internal floor to ceiling height for the proposed apartment, than that shown on the plan considered by the Council in making their decision. The section plan considered by the Council indicates a minimum internal floor to ceiling height of 2.328m for the area of the proposed rear dormer. Although the ceiling height varies across the apartment, it is not clear from the evidence whether the floor area of the proposed apartment would achieve the minimum floor to ceiling height of 2.5m for at least 75% of the gross internal floor area, as required by Policy D6 of the London Plan.
15. In view of the above, the proposed development would not provide suitable living conditions for the future occupiers of the dwelling having regard to the size of the apartment, in conflict with Policy D6 of the London Plan, which sets minimum internal floor standards to ensure high quality design that meets the needs of occupants. Furthermore, by virtue of the conflict with Policy D6 of the London Plan, the proposals would also conflict with Policy 9 of the Sutton Local Plan and the London Borough of Sutton Urban Design Guide SPD 14, which require new development, amongst other things, to meet appropriate housing space standards.

Conclusion

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

C Billings
INSPECTOR