



Appeal Decision

Site visit made on 18 July 2023

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2023

Appeal Ref: APP/P5870/W/23/3316157

95 Stafford Road, Wallington, Sutton SM6 9AP

- 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 Shirish Badiani against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2022/01943, dated 24 October 2022, was refused by notice dated 19 December 2022.
 - The development proposed is retention of existing 2 no. self contained residential accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The building is currently in use as two, two-bedroom flats and I have determined the appeal on that basis.

Main Issues

3. The main issues are:
 - whether appropriate living conditions would be provided for future occupiers with particular regard to internal space standards and outdoor amenity space, and
 - whether or not the proposal would make adequate provisions to reduce carbon emissions and water use.

Reasons

Living Conditions

4. The appeal property is a previously extended mid terraced building within Wallington District Centre. The extensions to the rear and loft space created a four-bedroom dwelling which was then converted to two, two-bedroom three-person self-contained flats.
5. Policy 10 of the Sutton Local Plan (2018) (SLP) outlines that the Council will grant planning permission for development involving the conversion of existing dwellings to provide new self-contained housing units, provided that, amongst other things, the Gross Internal Area (GIA) of the dwelling considered for conversion is at least 125m² (excluding extensions, garages and loft space) and the dwellings proposed meet the Mayor's internal space standards in Policy D6 of the London Plan (2021) (LP).

6. There is disagreement about the GIA of the original dwelling. Excluding extensions, it has been stated by the Council to be approximately 86m². This would fall short of the GIA required by Policy 10 of the SLP. However, according to the appellant the GIA of the building when used as a four-bedroom dwelling was approximately 140m². From the evidence before me, and my observations, prior to conversion the building was at least 125m² and thus I am satisfied there is no conflict with policy in this regard.
7. It is agreed by both parties that the ground floor flat A, has a GIA of 60.5m² which falls slightly short of the minimum area of 61m² specified in Policy D6 of the LP. However, both bedrooms meet the minimum standards and there is access to the rear garden area from the kitchen which gives access to further storage space. At my visit I saw that, due to the layout, the flat was not cramped. Therefore, even though the GIA falls marginally short of the policy requirement, this minor deficiency would not result in any material harm to living conditions.
8. Flat B whilst meeting the minimum size standard, has a slightly lower ceiling height than Policy D6 of the LP requires. I saw on my site visit that the flat did not feel cramped and had natural light. Again, the bedrooms meet the minimum standard. Accordingly, I am content that the flat provides a satisfactory internal living environment.
9. However, Flat B does not have access to private outdoor amenity space as required by Policy D6 of the LP and Policy 9 of the SLP. Whilst there are areas of green space within walking distance of the appeal site, these do not provide private space for the occupiers for activities such as drying washing and immediate access to outdoor areas. This lack of outdoor space would therefore harm living conditions of future occupiers.
10. Notwithstanding any technical conflict with the standards, I am content from my observations that the standard of internal accommodation is acceptable and will provide for a satisfactory living environment. However, for the reasons given above, the living conditions of the occupants of Flat B would be harmed by a lack of access to private outdoor amenity space. In this case, the proposal would conflict with Policy D6 of the LP and Policies 9 and 10 of the SLP which together seek to ensure that development provides accommodation of appropriate standards.

Carbon emissions and water use

11. The Council's third reason for refusal refers to the application having failed to provide evidence that the proposal will provide a satisfactory reduction in carbon emissions and water efficiency measures.
12. Whilst the sustainability officer suggested conditions relating to the submission of an energy statement and water consumption targets, there is no evidence before me that the conversion of the building to two flats could achieve the necessary targets.
13. I conclude that there is insufficient evidence to ensure that the proposal would make adequate provisions to reduce carbon emissions and water use. It would therefore conflict with Policies SI 2, SI 4, and SI 5 of the LP and Policies 31 and 33 of the SLP which seek to ensure that development meets targets for reducing carbon dioxide emissions and limits domestic water consumption.

Other Matters

14. I note the neighbour's comments regarding a party wall agreement. This is a private matter between the two parties and does not have any impact on the planning merits of the proposed development.
15. The proposed development would create an additional dwelling adding to the Council's housing stock and supporting the Government's objective of boosting the supply of homes.
16. However, the appeal proposal would harm the living conditions of the occupiers of Flat B. In this case, the harm that would result would outweigh the benefits arising from the proposed development.

Conclusion

17. The proposed development conflicts with the development plan as a whole and there are no other considerations that outweigh this conflict. I therefore conclude that the appeal is dismissed.

H Senior

INSPECTOR