



Appeal Decision

Site visit made on 19 February 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2024

Appeal Ref: APP/P5870/W/23/3330074

1 Birchwood Avenue, Wallington, Sutton SM6 7HE

- 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 Geoffrey Collier against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2023/00700, dated 28 April 2023, was refused by notice dated 3 July 2023.
 - The development proposed is described as “convert an existing granny annex into a separate, two-storey, two-bedroom self-contained house”.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the granny annex into a separate dwelling, alterations to the porch, car parking, cycle and bin storage areas at 1 Birchwood Avenue, Wallington, Sutton SM6 7HE in accordance with the terms of the application, Ref DM2023/00700, dated 28 April 2023, subject to the attached Schedule of Conditions.

Preliminary Matters

2. Notwithstanding the description of development set out in the banner heading above, which is taken from the application form, it is clear from the plans and appeal form that the development also includes alterations to the porch, car parking and bin storage areas. The Council dealt with the proposal on this basis and so shall I. The decision in paragraph 1 above reflects this approach.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.

Main Issue

4. The main issue is whether the internal area and location of the proposed development are suitable, having regard to development plan policies.

Reasons

5. The site lies in a predominantly residential area at the end of Birchwood Avenue. It comprises a two-storey dwelling (No 1) and attached side annex (No 1a), each with its own front door but with an internal ground floor door linking the two properties. This part of Birchwood Avenue mainly consists of semi-detached properties though there is a separate dwelling attached to the side of the semi-detached pair of houses opposite.

6. The proposal would convert the annex into a separate dwelling, including by blocking the internal access door and installing boundary fences. Parking spaces for both houses would be provided on the existing front hardstanding.
7. Policy 10 of the Sutton Local Plan 2016-2031 sets out several criteria which need to be met when converting existing dwellings to provide new self-contained housing units. One requirement is that the gross internal area (GIA) of the dwelling considered for conversion is at least 125m² (excluding extensions, garages and loft space). A further stipulation is that the proposal is within an Area of Potential Intensification (API).
8. The supporting text to Policy 10 justifies the 125m² figure on the basis that below this, a house would not be able to convert to two 61m² flats (the minimum standard for a two bed, three person flat in the Mayor's internal space standards). It also states that inter-war semi-detached properties do not convert into well-designed flats whilst also recognising that two- and three-bedroom market houses are the most required type of housing.
9. The GIA for the original dwelling excluding subsequent extensions is 80m² and the Council considers that this is too small for conversions allowed by Policy 10. However, the proposed dwellings would each provide 87m² GIA, sizes which exceed the London Plan internal space requirements for two and three bedroomed four person dwellings. Although the annex at No 1a was formed by an extension to the original property and there have been subsequent additions, the combined GIA of No 1 and the proposed new home would significantly exceed the minimum 125m² referred to in the policy. Further, by creating a separate two-bedroom house, the proposal would provide a type of dwelling most required in the area.
10. APIs are areas around town centres where the intensification of housing development may be appropriate. They are where most new housing is expected. The site is not within an API and the Council states that conversions of dwellings are restricted to APIs as these areas are better suited for residential intensification. However, it accepts that it is not essential for new housing to be located within APIs, subject to policy requirements.
11. There is reference to the setting and tight knit nature of the end of street siting. However, the Council finds that minor associated works to subdivide the plot would not significantly alter the appearance of the dwelling and considers that the proposal would not harm the character of the area or the streetscene.
12. I find that the proposal meets the policy requirements for GIA. The Council accepts that new housing can be located within APIs and finds no harm in respect of the other relevant policy criteria, including impacts on the character and appearance of the area. As such, I find no conflict with Policy 10.
13. Consequently, I conclude that the internal area and location of the proposed development are suitable, having regard to development plan policies. It would also comply with the National Planning Policy Framework (the Framework) which seeks to boost the supply of homes and supports the efficient use of land.

Conditions

14. I have had regard to the Council's suggested conditions and considered them against the statutory tests outlined in the Framework and the advice in the

Planning Practice Guidance. I have made minor amendments, where necessary, to ensure that the conditions comply with these documents.

15. Although the Council does not suggest them, I have imposed the standard time limit condition (1) and a condition requiring that the development is carried out in accordance with the approved plans (2). This is in the interest of certainty.
16. A condition relating to refuse storage (3) is necessary to protect the character and appearance of the area. I have also imposed a condition relating to cycle parking (4) to ensure more sustainable modes of travel, amending the trigger point suggested by the Council to reflect information already submitted and to align with other conditions. Additionally, a condition requiring car parking to be laid out (5) is necessary to ensure that adequate parking provision is made.
17. The Council suggests a condition restricting the hours of site construction works. However, given the nature of the proposal, any disturbance from building work on neighbouring occupiers is likely to be small scale and temporary so a condition restricting working hours is not necessary.

Conclusion

18. For the reasons given, I conclude that the proposal would accord with the development plan and the Framework, and therefore the appeal is allowed.

A Wright

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A1H22 01, A1H22 02, A1H22 03, A1H22 04, A1H22 05, A1H22 06, A1H22 07, A1H22 08 and A1H22 09.
- 3) Prior to the first occupation of the development hereby permitted, full details of the refuse storage shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the first occupation and shall be retained thereafter for the lifetime of the development.
- 4) Prior to the first occupation of the development hereby permitted, full details of the secure cycle storage facilities, including their position, size, enclosure materials and means of access, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the first occupation and shall be retained thereafter for the lifetime of the development.
- 5) Prior to the first occupation of the development hereby permitted, the car parking shall be laid out in accordance with approved plan A1H22 06 and shall be retained thereafter for the lifetime of the development.