



Appeal Decision

Site visit made on 3 September 2024

by C Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2024

Appeal Ref: APP/P5870/W/23/3325812

Hawthorn Cottage, 7A Hawthorn Road, Sutton SM1 4PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Amtul Mubeen against the decision of the Council of the London Borough of Sutton.
 - The application Ref is DM2022/02073.
 - The development proposed is sub-division of property into two self-contained dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The guidance set out in the Procedural Guide: Planning Appeals – England (Updated 11 January 2024) makes it clear that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and by interested parties at the application stage.
3. The Council considered the scheme on the basis of the plans submitted with the planning application, and it was those plans that were subject to consultation. Therefore, in the interests of fairness, I have considered the appeal on the basis of the plans submitted with the planning application, rather than the amended plans submitted with the appeal. To proceed otherwise could unacceptably prejudice the interests of other parties.
4. Notwithstanding this, the appellant also submitted an Energy Statement, dated 05 July 2023, as part of the appeal. As it would not result in a material change to the proposal, I do not consider that the Council or any interested parties would be prejudiced by me accepting this Statement.

Main Issues

5. The main issues are:
 - The effect of the layout of the proposed gardens on the character and appearance of the area.

- The principle of the conversion of 7 A Hawthorn Cottage into two separate dwellings;
- whether the proposed development would provide suitable living conditions for future occupants in regard to external amenity space and internal living areas, of the three bedroom dwelling; and
- the environmental impact of the development on carbon emissions and water supply.

Reasons

Character and appearance

6. The appeal site is located within a residential area that consists primarily of semi-detached properties within rectangular plots. However, some of the plots are roughly triangular to accommodate the layout of the roads. 7A Hawthorn Road is positioned on a triangular plot and is a semi-detached property that was extended on one side to allow for the creation of annex accommodation with a separate front door.
7. The proposal is for the subdivision of the property to create a three bedroom house and a separate one bedroom house. No extensions or material external alterations are proposed as part of the scheme and the rear garden would be divided into two broadly triangular plots.
8. It is acknowledged that the proposed rear gardens would be narrower than other triangular plots in the area. However, triangular plots are not uncharacteristic of the established pattern of development. Further, due to the established pattern of development and existing boundary treatments the rear garden arrangement would not be clearly visible from the public realm or have a materially harmful impact on the character and appearance of the area when viewed from the rear of neighbouring properties.
9. For the reasons detailed above the layout of the proposed gardens would not have a harmful effect on the character and appearance of the area. As such it would be in accordance with Policy D4 of the London Plan 2021 (LonP) and Policy 28 of the Sutton Local Plan 2016-2031, 2018 (SLP) which seek to ensure that design quality is maintained throughout the development process and respects the local context.

Principle

10. Under the terms of Policy 10 of the SLP the Council allows for the conversion of existing dwellings to provide new-self contained housing units only when specific criteria are met. The area is not within the Area of Potential Intensification (API) which, based on the evidence before me, was identified through a thorough and detailed analysis, considering accessibility and access to sustainable transport options. As such, the proposed conversion would fail to meet the requirement of criterion b (i) of Policy 10 which requires conversions to be within the API.
11. Criterion b (ii) of Policy 10 also stipulates that sub-division would only be allowed where the Gross Internal Area of a dwelling for conversion is at least 125sqm excluding extensions, garages and loft space. There is insufficient

evidence before me to demonstrate that the original dwellinghouse had a floor area of at least 125 sqm. Within the delegated report the Council state that the floor area of the original dwellinghouse was well below the 125 square metre threshold. Based on the submitted plans it is likely that this is the case. In the absence of any supporting plans or information it has not been demonstrated that the proposal would comply with Policy 10 of the SLP.

12. It is acknowledged that the proposal would not result in the loss of three bed market housing and a benefit of the scheme would be the provision of an additional dwelling. However, the suitability of a property for conversion is not solely based on the capacity of the resultant dwellings. In this case the site is in an area with limited access to public transport. The appeal property may be within walking distance to shops and services on Carshalton Road, Banstead Road and Beeches Avenue. Nevertheless, the appeal site is within an area with a PTAL rating of 2 which represents low transport accessibility and would thereby limit the accessibility of the site for future occupants.
13. The appellant asserts that the appeal property in its current form is difficult to let due to its layout. However, this claim is not supported by any substantive evidence, in light of this I give it only limited weight.
14. For the reasons detailed above I conclude that the principle of the conversion of the appeal property in to two separate dwellings would be unacceptable. Therefore, the proposed conversion would be contrary to Policy 10 of the SLP, which allows the conversion of dwellings to provide new self-contained housing units only within the identified API and when the original dwelling has a gross internal floor area of at least 125sqm. The policy is consistent with the objectives of the London Plan and the Framework insofar as it seeks an efficient use of land and prioritises housing growth in suitable locations in the most accessible parts of Sutton.

Living conditions

15. There is no dispute between the main parties in regard to the suitability of the area of external space provided for both of the properties proposed. The Council's concerns are in regard to the functionality of the external amenity areas due to their shape.
16. The shape and narrow width of the rear gardens may impact negatively on their quality and usability. However, with consideration given to the capacity of each property there would be sufficient usable space to be reasonably enjoyed as an area where occupants could sit, relax, socialise, and dry clothes in privacy.
17. There is also no dispute between the main parties regarding the suitability of the gross internal area (GIA) of the proposed one bedroom dwelling. However, the Council has raised concerns that the proposed three bedroom dwelling would have a GIA of only 81sqm which would be below the minimum GIA required for a property of this type as set out within Policy D6 of the LonP. Further, they state that two of the bedrooms within the proposed three bedroom dwelling would not accord with Policy D6 of the LonP which states that a single bedroom should have a minimal internal floor area of 7.5sqm and should be at least 2.5m wide.

18. The proposed three bedroom property would reflect the dwelling as originally built; and the proposed bedrooms are in use as existing and their continued use is a material consideration to which I afford significant weight. Notwithstanding this, the overall GIA of the three bedroom property would be below current minimum space standards. The space standards in the London Plan are set to enable a home to become a comfortable place to retreat and there is no substantive evidence before me to justify development below the standards set out.
19. For the reasons detailed above I conclude that the proposal would provide a suitable area of external amenity space for future occupants of both properties and therefore would be in accordance with Policy 9 of the SLP and Policy D6 of the LonP which require the provision of an adequate amount of external amenity space. Notwithstanding this the resultant three bedroom property would fail to provide suitable living conditions for future occupants in regard to internal living space and would be contrary to Policy 9 of the SLP and Policy D6 of the LonP, which sets the current minimum internal space standard.

Environmental impact

20. The submitted Energy Statement, produced by MES Building Solutions, provides an overview of both the sustainability and energy requirements of the proposed scheme. The information within the statement demonstrates that the proposal would achieve the required 35% reduction in regulated CO₂ emissions through the use of renewable energy sources that would significantly exceed the minimum requirement of 10% as required by Policy 31 of the SLP. Further, the statement confirms that water efficient fittings would be specified for the development in order to ensure accordance with a potable water consumption of 110 litres per person per day.
21. Based on the information before me, current Energy Use Intensity, space heating demand and Design Fabric Energy Efficiency targets are based on new-build development. As the appeal relates to an existing building it would be unreasonable to expect the proposal to achieve these standards.
22. The Council have provided no comments on the content of the Energy Statement. In the absence of any information to the contrary, I conclude that the proposal would not have a materially harmful environmental impact with regard to carbon emissions and water supply. Therefore, the proposal would be in accordance with Policies SI 2 and SI 5 of the LonP and Policies 31 and 33 of the SLP which seek to minimise greenhouse gas emissions and the use of mains water, with a 35% reduction in regulated CO₂ emissions on site.

Other Matters

23. The Council have raised no objection in relation to parking and the provision of waste and cycle storage which could be secured by condition if planning permission were to be granted. They have also raised no concerns regarding the living conditions of neighbouring occupants. As the proposed scheme would be for the subdivision of an existing dwelling and no extensions are proposed (and therefore, there would be no significant increase in the overall number of occupants). I find no reason to disagree with the Council in this regard. Further, I have found no harm in relation to character and

appearance. However, the absence of harm in these respects form neutral factors in my assessment of the appeal, weighing neither for nor against the proposal.

24. The proposal would provide an additional housing unit, where there is an identified need. This would make a modest contribution to the housing supply in the area with associated benefits in terms of improved energy and water efficiency. In so doing, the proposal would support the aims of The National Planning Policy Framework and Policy H2 of the London Plan 2021, which amongst other things, sets housing targets and encourages the development of small sites in order to meet London's housing needs. However, the benefits in those respects do not outweigh the harm I have previously identified.

Conclusion

25. The development would conflict with the development plan. This conflict is not outweighed by other considerations. Therefore, the appeal is dismissed.

C Livingstone

INSPECTOR