



Appeal Decision

Site visit made on 14 November 2024

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2024

Appeal Ref: APP/P5870/W/24/3346584
19 Olveston Walk, Carshalton SM5 1EP

- 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 Mr Saleem Jalil against the decision of the Council of the London Borough of Sutton.
 - The application Ref. is DM2024/00105.
 - The development proposed is the addition of a new 2-storey dwelling to the end of the terrace.
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Decision

1. The appeal is allowed, and planning permission is granted for the addition of a new 2-storey dwelling to the end of the terrace at 19 Olveston Walk, Carshalton SM5 1EP in accordance with the terms of the application, Ref. DM2024/00105, and the plans submitted with it, subject to the conditions in the attached Schedule.

Main Issue

2. The main issue is the effect of the proposed dwelling on the character and appearance of the host terrace and the street scene, which together form part of the St Helier Estate Area of Special Local Character ('the ASLC').

Reasons

3. The Council Officers' Report and Appeal Statement includes a description of the background to and qualities / purposes of the ASLC. This description includes the quote from the Sutton Local Plan appendix which mentions that it is predominantly the smaller open spaces within the estate that give the ASLC its special character.
4. However, as regards the effect of the appeal scheme on the street scene, the context of the Local Plan description is one of open spaces accessible to the public and their visual amenity. I do not therefore consider that the existing garden land at the appeal property with a fence around it is an example of one of the 'smaller open spaces'. In any event, this ageing wooden fence around this land together with the poor quality flat roofed garage combine to have a negative visual impact at odds with the verdant appearance of the wide verges and mature trees that characterise the estate. With that said, I acknowledge the appeal site does make an important contribution to the openness of the estate which I recognise is an important factor in the character and appearance of the ASLC.

5. However far from 'eradicating' openness as the Council asserts, the proposed dwelling would extend to about half of the length of the flank wall of No. 21 Pershore Grove as seen from Olveston Walk and thereby clearly recessed from the front building line of No. 21 and its neighbours in that terrace. And given the reasonable distance between that flank wall and the rear wall of the proposed building, the open appearance of this corner of the junction between the two roads necessary to preserve the ASLC would not be significantly reduced. Importantly, the views through the site from Pershore Grove to rear gardens would for the most part remain. In no sense would this be a 'cramped and squeezed in' development as the Council fear, although upgraded boundary fencing as illustrated on the plans would be needed to ensure the developed plot maintains a pleasing character and appearance consistent with the ASLC.
6. Turning to the effect of the proposed dwelling on the host terrace itself, the Council refers to intensification and overdevelopment. However, the appeal scheme would read as a proportionate addition to the existing building and notwithstanding its enlargement the overall built form would in marked contrast to the bulk, scale and enclosed layout of the three storey Beadlow Close on the opposite side of Olveston Walk. Moreover, the additional dwelling would be of essentially the same architectural design and matching external materials, and although 0.6 metres wider than the host dwelling this is unlikely to be either noticeable or perceived as harmful, particularly as the recently approved and now constructed large gabled front porch interrupts the hitherto largely seamless visual continuity of the terrace's front elevation.
7. I have noted that the Council's approval of the extension to No. 19 is cited by the appellant as a 'fall back' position, but whilst this is a material consideration the proposal deserves to succeed on its merits without having to rely on the similar impact of an extant permission. Furthermore, there is the additional advantage of the appeal scheme's incremental but nonetheless valuable addition to the Borough's housing supply.
8. Overall, I consider that no harm would be caused either to the character and appearance of the St Helier Estate ASLC street scene or to the host terrace. On the contrary, taking the plot as a whole, the outcome would be positive. Accordingly, there would be no conflict with Policies 28 & 30 of the Sutton Local Plan 2018; Policies H1, H2 & D3 of the London Plan 2021 and the Council's SPD 'Creating Locally Distinctive Places'. The proposal is also in accord with Government policy in Section 12: 'Achieving Well-Designed and Beautiful Places' of the National Planning Policy Framework December 2023.

Conclusions and Conditions

9. For the reasons explained and having had regard to all other matters raised, the appeal is allowed and permission granted. The Council's Appeal Statement includes a number of suggested conditions and I agree that these are reasonable and necessary. A condition requiring the development to be carried out in accordance with the approved plans and key documents is needed for the avoidance of doubt and is in the interests of proper planning. As regards compliance with this condition, I note that the plans show similar but nonetheless apparently new boundary fencing. This replacement of the existing poor quality fence on the sections of the boundary to remain enclosed is in my view necessary to retain the character and appearance of the ASLC.

10. A condition stipulating the Council's prior approval of external materials for the building and the boundaries of the new dwelling will maintain visual amenity, whilst the living conditions for adjoining residents will be safeguarded by a condition limiting the construction hours and a condition requiring adequate provision for refuse storage and recycling.
11. There are two conditions that will address local and national policy requirements in respect of energy efficiency and climate change, whilst a further condition will conserve water supplies. A drainage condition will prevent surface water flooding and a cycle storage condition will encourage cycling as a sustainable means of transport. A condition in respect of on-site parking provision will prevent obstruction to other highway users and is in the interests of highway safety.
12. The Council has included Informatives in its list of suggested conditions, but officers will be aware that it is not PINS practice to include these in appeal decisions. Accordingly, these should be conveyed to the appellant in some other form.

Martin Andrews

INSPECTOR

Schedule of Conditions

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this Decision;
- 2) The approved development shall be carried out in accordance with the following drawings/details: A1.1; A2.1; A3.1; A2.2; A3.2; A4.1 REV.01; A5.1 REV.1; A5.2 REV.1; A6.1 REV.1; A6.2 REV.1; A8.1 REV.1; A8.2 REV.1; A8.3 REV.1; A8.4 REV.1; A8.5 REV.1; A8.6 REV.1; A8.7 REV.1; A8.8 REV.1; A6.3; A5.3; A5.4 REV.1; Energy Statement by C80 Solutions March 2024; Fire Safety Strategy by Graham Modlen; Preliminary Ecological Appraisal by Brindle and Green March 2024; Surface Water Drainage Strategy by UNDA March 2024;
- 3) Prior to the commencement of development (excluding demolition) the type and treatment of the materials, including samples as appropriate, to be used on the exterior of the building, and for hard surfacing and boundary fencing shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the construction of the development hereby approved, completed prior to its first occupation and retained thereafter;
- 4) Site construction works shall not be carried out other than between the hours of 0800 and 1800 hours Monday to Friday; 0800 and 1300 hours on Saturday, and shall not be carried out at all on Sundays and Bank Holidays;
- 5) The development shall not be occupied until a car parking space has been laid out within the site in accordance with the approved plan A5.1 REV.1. The parking area shall be used and permanently retained exclusively for its designated purpose;
- 6) Prior to the commencement of the development (excluding demolition works), full details of the secure cycle storage facilities shall be submitted to, and approved in writing by, the Local Planning Authority which shall show their positioning within the site, the size and materials of the enclosure and the means of access. The approved details shall be implemented on site prior to the first occupation of the development hereby approved and thereafter permanently retained in accordance with the approved details;
- 7) Prior to the commencement of development, details of the proposed solar PV system shall be submitted to the Local Planning Authority and approved in writing, including: (i) a plan showing the number and orientation of the solar PV panels proposed and the total area of the proposed array; (ii) product specifications including the power output of each panel and maintenance requirements; and iii) confirmation of the annual amount of electricity expected to be generated and associated CO2 savings;
- 8) The development hereby approved shall be constructed in accordance with the approved Energy Assessment v.0 prepared by C80 Solutions Ltd and dated 7 March 2024 together with the approved solar PV details. Prior to first occupation, 'as-built' Standard Assessment Procedure (SAP) outputs must be submitted to the Local Planning Authority and approved in writing to demonstrate that the development has achieved the

- targeted reduction in CO2 emissions. All of the approved measures shall thereafter be retained for as long as the development is in existence;
- 9) The development hereby approved shall be constructed in accordance with the approved Surface Water Drainage Strategy for Planning prepared by UNDA Consulting Ltd and dated 12 March 2024. Prior to first occupation of the development, written confirmation that the approved SuDS measures have been implemented as part of the development as built shall be submitted to the Local Planning Authority and approved in writing. All of the approved measures shall thereafter be retained for as long as the development is in existence;
- 10) Prior to first occupation of the development, a completed Water Efficiency Calculator for New Dwellings shall be submitted to the Local Planning Authority and approved in writing to show that internal potable water consumption for each of the dwellings will be limited to no more than 110 litres per person per day, based on the Government's national calculation method for the purposes of Part G of the Building Regulations;
- 11) Prior to first occupation of the development hereby approved, full details of the refuse and recycling area shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to occupation of the development and permanently retained thereafter.