



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: 10 December 2024

Appeal Ref: APP/P5870/W/24/3347057

Land rear of 83 St James' Road, Sutton SM1 2TJ

- 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 M Page against the decision of the London Borough of Sutton.
 - The application Ref. is DM2023/01632.
 - The development proposed is the extension and conversion of the existing garage/workshop to provide a 1 bed dwelling with parking space, bike store and bin/recycling provision.
-

Decision

1. The appeal is allowed and planning permission is granted for the extension and conversion of the existing garage/workshop to provide a 1 bed dwelling with parking space, bike store and bin/recycling provision on land rear of 83 St James Road, Sutton SM1 2TJ in accordance with the terms of the application, Ref. DM2023/01632 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 street scene of St James' Avenue, which includes the land to the rear of 83 St James' Road.

Reasons

3. The appeal site is land formerly within the rear curtilage of a large semi-detached building on the north west corner of the junction that has been converted into three flats. The site includes a single storey garage and workshop/store with a shallow pitched roof and a principal elevation (to the former garden) not unlike that of a small bungalow. The appeal scheme proposes to convert and extend the building to form a new one bedroom two person dwelling with outside parking and a small garden.
4. This section of St James' Avenue is a short stretch of road that connects the junction with St James' Road and the right-angle bend into the main part of the Avenue. However, whilst St James' Road and the main part of St James' Avenue both have a discernible rhythm of residential development (albeit with the opposite sides of the former in complete contrast with one another), the stretch of St James' Avenue including the appeal site is much more mixed.
5. On the north side there is the wooden fence along the flank boundary of No. 83 St James' Road); the appeal site and its building with the double garage door;

two adjacent flat roofed garages and the end gable of the property on the 90 degree corner of the road which draws the eye because of the combination of its narrow width and asymmetrical roof. On the opposite side there are two semi-detached pairs, one of a plain mid-C20th design and the other mock Tudor next to the open parking area of Montford Court, a three storey block of flats with a dominating presence because of its three storey height and large mansard roof.

6. Within this street scene of such mixed character, I can see no reason to preclude the change of use and the modest enlargement of the existing building, together with an associated improvement of its roadside elevation and a new garden. The development would not materially change the site, but to the extent that it does it would improve its character and appearance as well as that of the street scene.
7. Accordingly, I do not accept the Council's submissions in its appeal statement that the *'development would be at odds with the prevailing character of the surrounding area'*. If the site had been in St James' Road or in the main part of St James' Avenue round the corner this may well have been true, but as I have explained there is patently no identifiable 'character' or streetscape of particular merit in this part of the road. In particular, the development pattern of the area does not facilitate this first section of the Avenue being read with its wider context which does include elements of period housing that reinforce local distinctiveness.
8. The 2019 and 2023 appeal decisions of my colleague Inspectors are material considerations and I have had regard to them in coming to my decision. In the 2023 case I agree with the view that the principle of a two storey dwelling on the site and its design detail were such as make the scheme appear incongruous. As regards comparison with the 2019 appeal, the proposed building would have less substantial extensions and a much improved design, especially in terms of the altered and the new elevations to the road.
9. Furthermore, I differ from the Inspector in that appeal and the Council's current evidence as to the potential for conflict with section (a) of Policy 13 ('Housing and Garden Land) of the Sutton Local Plan 2018 ('the Local Plan') arising from development of the site. The outbuilding with its overtly residential appearance is already there and only a proportionate extension to it is now proposed. The plot is already severed from No. 83 and that property is now in the form of three flats. Nor do I consider that the development would appear 'cramped'. The immediate context of the existing building is one of gardens and because of this it does not presently appear as being 'squeezed in'. I do not consider that the proposed extension would alter this, or as the Council alleges, be perceived as an 'overdevelopment'.
10. In the event of my dismissal of this appeal, it is difficult to envisage how any future use of the building and land would be preferable as regards the character and appearance of the area or indeed the wider public interest. On the one hand the practicality of its re-incorporation into the site of No. 83 would appear problematic, with a shared use of the building and its outside area by three households not conducive to any necessary investment and ongoing maintenance. I acknowledge that the garage element of the building could be retained for one of the households, but the large double garage door

and its forecourt, set against the two single garages on adjacent land, makes a distinctly negative contribution to the streetscene.

11. On the other hand, the extension and residential use now proposed would provide a fairly rare opportunity in this locality to provide a modest and comparatively inexpensive two person home within the designated Area of Potential Intensification under Local Plan Policy 1d). The garden could be the subject of a landscaping condition and in my view there is a reasonable prospect of this being maintained to a higher standard with more visual amenity than the external area of a building converted into flats. In short, I am of the view that the appeal scheme would be an enhancement of this part of St James' Avenue, as opposed to 'an incompatible and incongruous addition'.
12. Overall, I find that the appeal scheme would not conflict with Local Plan Policies 1, 7, 13 & 28, the Design Principles of the 'Creating Locally Distinctive Spaces' SPD 2008, or with Policies D3 & D4 of the London Plan 2022 and Government policy in Section 12: 'Achieving Well-Designed and Beautiful Places' of the National Planning Policy Framework 2023 ('the Framework'). Indeed, the proposal would be consistent with not only these policies, but also with London Plan Policies GG2, GG4, H1 & H2 and the policies of the Framework taken as a whole.

Conclusion and Conditions

13. For the reasons explained above, I shall allow the appeal subject to the conditions drafted by the Council in its Appeal Statement which I consider to be reasonable and necessary. A condition requiring the development to be carried out in accordance with the submitted plans documents is needed for the avoidance of doubt and is in the interests of proper planning. Conditions stipulating the Council's prior approval of external materials for the building and boundary details will maintain visual amenity, whilst the living conditions for adjoining residents will be safeguarded by conditions requiring a construction logistics plan; limiting the construction hours and requiring adequate provision for refuse storage and recycling. The latter would also preserve residential amenity.
14. A condition 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. Conditions in respect of on-site parking provision and access thereto will prevent obstruction to other highway users and is in the interests of highway safety.
15. Conditions relating to ecology and landscaping will ensure that the nature interest of the garden is preserved and enhanced whilst at the same time enhancing the appearance of the street scene. Finally, fire safety and land contamination conditions will safeguard future occupiers of the dwelling from potential danger and health risks.

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) The development shall begin no later than the expiration of three years beginning with the date of this Decision;
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Plan Nos. 835JR/23-01; 835JR/23-02; 835JR/23-05; Architects Notes; Fire Safety Strategy; Energy SAP calculations; Archaeological Assessment; Sustainability Report; Drainage Strategy Drawing; Surface water drainage Strategy Report;
- 3) Prior to the commencement of development (excluding demolition) the type and treatment of the materials, including samples, to be used on the exterior of the building 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 occupation and retained thereafter;
- 4) Prior to occupation of the development hereby approved, full details of refuse and recycling storage 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 retained thereafter;
- 5) No development shall begin, including demolition and site clearance works, until a Construction Logistics Plan (CLP), to include details of: (a) loading and unloading of plant and materials; (b) storage of plant and materials; (c) programme of works (including measures for traffic management); (d) provision of boundary hoarding, behind any visibility zones of construction traffic routing; (e) hours of operation; (f) means to prevent deposition of mud on the highway have been submitted to and approved in writing by the Local Planning Authority;
The development shall be constructed in accordance with the approved statement.
- 6) The development hereby approved shall be constructed in accordance with the approved Energy Statement prepared by Damian Selim and dated 30 November 2023. Prior to first occupation, 'as-built' Standard Assessment Procedure (SAP) outputs shall be submitted to, and approved in writing by, the Local Planning Authority to demonstrate that the completed dwelling has achieved the targeted reduction in CO2 emissions together with written confirmation that the solar PV array has been installed in accordance with the approved Energy Statement. All of the approved measures shall thereafter be retained for as long as the development is in existence;
- 7) The development hereby approved shall be constructed in accordance with the approved 'Foul and Surface Water Drainage Strategy Report' (Ref: C2364) prepared by Consulting Civil Engineers Ltd and dated 6 December 2023. Prior to first occupation of the development written confirmation that the approved site drainage and flood risk management measures, including SuDS, have been implemented as part of the development as built shall be submitted to, and approved in writing by, the Local Planning Authority. All of the approved measures shall thereafter be retained for as long as the development is in existence;
- 8) Prior to first occupation of the development, a completed Water Efficiency Calculator for New Dwellings shall be submitted to, and approved in writing by, the Local Planning Authority to show that internal potable water consumption will be limited to 110 litres per person per day based on the Government's national calculation method for the purposes of Part G of the Building Regulations;
- 9) Prior to any construction above the damp proof course of the development hereby permitted, a scheme for wildlife and nesting features shall be submitted to and approved in writing by the Local Planning Authority. These shall include at least: a) 2 no. hedgehog holes to increase site connectivity in boundary fencing; b)

Features on buildings, in accordance with the adopted Biodiversity Strategy, including at least: i) 1no. starling box; ii) 1no. house sparrow terrace facing shrubby vegetation; iii) 2no. bat tiles; c) any other bird boxes or features, as appropriate to the site (including insect boxes / hotels etc.). The scheme shall include full details on: numbers of each feature, type of feature / box / brick, location (plan and elevation views) of each feature, height above ground (if applicable) and nearest external lighting (if likely to have an impact). Features shall be undertaken in accordance with the approved scheme and thereafter retained in perpetuity;

10) Prior to occupation of the development hereby permitted, a Statement of Conformity shall be submitted to and approved in writing by the Local Planning Authority. The Statement of Conformity shall include evidence in the form of full details on Post installation photographs of each nesting / roosting feature under Condition 9) above;

11) Prior to the occupation of the development, full details of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscaping and tree planting shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards (in particular, BS 3882: Specifications for Topsoil, Recommendations (2015) and BS 8545: Trees from Nursery to Independence in the Landscape: Recommendations (2014) or other recognised codes of good practice. The works shall be carried out prior to the occupation of any part or relevant phase of the development or in accordance with the timetable agreed with the Local Planning Authority. Any tree(s) or plants that (within a period of five years after planting) are removed, die, or (in the opinion of the Local Planning Authority) are damaged or defective shall be replaced as soon as is reasonably practicable with others of a similar size/species/number as originally approved, unless the Local Planning Authority gives its consent to any variation;

12) Prior to occupation of the development hereby approved, full details of the position, design, materials and type of boundary treatments/means of enclosure 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 retained thereafter;

13) Prior to first occupation of the development hereby approved, 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;

14) If during implementation of this development, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed and a specific contaminated land assessment and associated remedial strategy shall be submitted to and agreed in writing by the Local Planning Authority before the additional remediation works are carried out. The agreed strategy shall be implemented in full prior to completion of the development hereby approved.

15) The site and building works required to implement the development shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and between 08.00 and 13.00 on Saturdays and not at all on Bank Holidays and Sundays;

16) The development shall be carried out in accordance with the provisions of the Planning Fire Safety Strategy prepared by Matthew Gibbins dated Aug 30th 2022;

17) The development hereby approved shall not be occupied until the off street parking space as shown on drawing no. 835JR/23-02 has been fully implemented, and this space shall thereafter be permanently retained as approved;

18) The development shall not be occupied until pedestrian/vehicle visibility splays of 2m by 2m have been provided on each side of the access, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access and thereafter permanently retained. No fence, wall or other obstruction to visibility exceeding 0.6m in height above the surface of the adjoining highway shall be erected within the area of such splays. The visibility splays shall thereafter be permanently maintained;

19) Prior to the occupation of the development hereby approved, all redundant accesses and crossovers shall be reinstated and returned to a raised kerb, in a manner to be agreed in writing by the Local Planning Authority.