



Appeal Decision

Site visit made on 11 February 2025

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2025

Appeal Ref: APP/P5870/W/24/3352758

16 Selby Road, Carshalton, Sutton SM5 1LD

- 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 Nasir Mahmood against the decision of the Council of the London Borough of Sutton.
 - The application Ref is DM2024/00484.
 - The development proposed is erection of an attached two storey dwelling, alterations to the existing roofline of original dwelling, provision of refuse storage and parking to front.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024, a revised National Planning Policy Framework (the Framework) was published. Both main parties have been given an opportunity to provide comments on the revised Framework and the implications for this appeal. I have therefore had regard to the revised Framework.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - Whether the proposal would provide satisfactory carbon emissions and water efficiency measures; and
 - Whether the proposal would have adequate car parking provision and the effect on highway and pedestrian safety.

Reasons

Character and appearance

4. The appeal site comprises a two-storey end of terrace dwelling and its associated curtilage at 16 Selby Road. The surrounding area is characterised by terraced and semi-detached dwellings of a similar age and style laid out in a geometric pattern. The appeal site sits outside of the St Helier Estate Area of Special Local Character (ASLC) however it is very close to the boundary and so a prominent part of its setting. This area is interspersed with public greens and incidental open space, which gives the ASLC its special character. The low-rise nature of the dwellings and the spacing provided by the geometry of the layout, particularly at corners, also positively contributes to the character and appearance of the area.

5. The existing dwelling is finished in pebbledash with a hipped roof design and modest porch to the front. The site sits at the junction of Selby Road and a short cul-de-sac that runs down the side boundary. The existing dwelling is set back from the footpath at the front behind a wide and partially open driveway area, with a modest front boundary wall.
6. The side and rear garden areas of No 16 are enclosed behind a tall fence and the dwelling has already been extended to the side previously. However, the absence of development in the remaining gap between the dwelling and side boundary, and the similar arrangement at No 42 opposite, provides a degree of openness at the junction and allows the consistent appearance and symmetry of dwellings in the cul-de-sac behind to be appreciated.
7. The site is situated mid-way along Selby Road, and the arrangement of dwellings here is somewhat different to that found at the principal corner plots. Nevertheless, the openness of this corner still ensures the host dwelling is relatively prominent in local views, including from the open space to the south-east.
8. The appeal proposal would eliminate much of the gap between the existing dwelling and the footpath to the side, retaining a strip less than a metre wide at its narrowest point. This would increase the level of enclosure of the cul-de-sac behind and erode the openness at the junction, obscuring views across it and detracting from the prevailing pattern of development. Due to its proximity to the boundary of the site and adjacent footpath, the development would also appear somewhat cramped and out of keeping with the spacious character and appearance of the area.
9. While the scale and footprint of the proposal may have been amended since the previous scheme was refused, this does not indicate that the appeal scheme before me is acceptable with regard to this main issue.
10. I recognise there are examples of two storey side extensions to end terrace properties in the surrounding area, including at the junctions of Sherborne Crescent and Sibton Road, and Shrewsbury Road and Welbeck Road. There are also examples of dwellings with a side facing main entrance. However, none have been brought to my attention that are directly comparable to the appeal scheme or demonstrate that development of the form proposed is characteristic of the area. This does not therefore lead me to a different conclusion on this main issue.
11. The proposal would have a harmful effect on the character and appearance of the area. It would conflict with Policies H1, H2 and D3 of the London Plan March 2021 (the London Plan) and Policies 7, 28 and 30 of the Sutton Local Plan 2016-2031 February 2018 (the Local Plan). These policies, among other provisions, support optimising site capacity and the provision of new dwellings, including on small sites, provided they consider the characteristic of ASLC's, respect positive features of Sutton's character and reinforce local distinctiveness. They also seek to ensure that new development is designed to the highest standard, respects local context, responds to local character, is of suitable scale, massing and height to the setting of the site and/or townscape and makes a positive contribution to the streetscene. They also expect development outside of an ASLC but which would affect an ASLC to conserve, and where practicable, enhance those elements which contribute to the ASLC's particular character or appearance.

12. In respect of this main issue, I have not identified any direct conflict with Policy D4 of the London Plan. This policy concerns the use of tools for design analysis, design review processes and maintaining design quality through to completion.

Carbon emissions and water efficiency

13. Policy 31 of the Local Plan requires all minor residential development to achieve at least a 35% reduction in regulated CO₂ emissions. It states that all applications for new dwellings should be supported by an Energy Statement. Policy 33 of the Local Plan states that all new dwellings should limit domestic water consumption to 110 litres per person per day, in line with the Government's higher 'optional requirements' for water efficiency set out in Part G of the Building Regulations as amended.
14. While the proposal is supported by an Energy Statement, this does not incorporate 'as-designed' Building Regulations Part L outputs to demonstrate how the relevant targets for reducing CO₂ emissions will be met. Moreover, the Energy Statement does not include calculations of energy demand and emissions at each stage of the Mayor's energy hierarchy for both regulated and non-regulated elements, in line with GLA 'Guidance on Preparing Energy Assessments' as amended.
15. Likewise, while the appellant has indicated they would commit to rainwater harvesting, in the absence of water efficiency calculations it has not been demonstrated that the proposal would comply with the requirements of Policy 33.
16. It is not clear at this stage whether the development in its current form could comply with the relevant provisions of the development plan and so it would not be appropriate to reserve this matter to planning conditions.
17. The proposal would therefore fail to provide satisfactory carbon emissions and water efficiency measures. It would conflict with Policies SI 1, SI 2, SI 4 and SI 5 of the London Plan and Policies 31 and 33 of the Local Plan. These policies, among other provisions, seek to improve air quality and minimise greenhouse gas emissions, including through energy efficiency, manage heat risk, protect and conserve water supplies and resources. I have not identified any direct conflict with Policy SI 3 of the London Plan which concerns energy infrastructure for large-scale and major developments and the preparation of development plans.

Car parking and highway and pedestrian safety

18. The appeal site is in an area with a Public Transport Accessibility Level (PTAL) of 1a, indicating very poor public transport access. Policy 37 of the Local Plan expects development to provide car parking in accordance with the Council's restraint-based maximum car parking standards, taking into account PTALs, existing publicly available parking provision and usage in the vicinity of the site, and the need to deter unnecessary car use and avoiding overspill parking.
19. The Council has not provided any evidence with respect to the level of car parking provision expected of a development of this nature in this location. Nevertheless, as the dwelling would only contain 1 bedroom, no more than one parking space would be required in this instance, despite the low PTAL score in this area.
20. The plans before me depict a single parking space to the front of the dwelling. This would require a new or extended crossover, which the appellant contends could be dealt with by planning condition. However, the Council maintain that a new

crossover application would be highly unlikely to be granted permission due to the proximity to the junction. Notably, the Council's Highways section has objected, in part, due to the poor parking layout. The proposal in its current form therefore does not provide a useable parking space.

21. The appellant submitted a parking survey in support of the proposal, carried out at 12:30am on two separate occasions in February 2024. This found that there were at least 10 parking spaces available within a 200-metre distance of the appeal site. The Council has raised concerns however that this does not follow the Lambeth Methodology and therefore is inadequate.
22. I saw on my site visit that there are parking restrictions at junctions in this area, including adjacent to the appeal site. The roads are also narrow with on street parking only available on one side. Nevertheless, most dwellings appear to benefit from off street parking, thus limiting demand for on street spaces. Moreover, the amount of kerbside open space and wider corner plots in the vicinity means there are opportunities for on street parking close by. Though only a snapshot in time, I also observed several free on-street parking spaces at the time of my site visit.
23. Given the modest increase in residents and associated demand for on-street parking spaces that would be generated by the development, and in view of the evidence before me and my own observations, I find that the proposal would not have an unacceptable impact on highway safety, nor would the residual cumulative impact on the road network be severe.
24. The proposal would thus have adequate car parking provision and would not have a harmful effect on highway and pedestrian safety. In respect of this main issue, I have not identified any conflict with Policies 36 and 37 of the Local Plan. These policies, among other provisions, seek to ensure that development minimises any adverse impact on the highway network and provides appropriate car parking.

Other Matters

25. The evidence indicates that, at the time of the decision, the Council could demonstrate a five-year housing land supply (5YHLS), including a 5% buffer. However, the revised Framework has been published since the decision, as have changes to the standard method for assessing local housing need. Both main parties have been invited to comment on the housing land supply position in light of this. No further substantiated evidence on this matter has been provided.
26. Paragraph 11(d) of the Framework indicates that the presumption in favour of sustainable development is engaged where the policies which are most important for determining the application are deemed out-of-date. This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a 5YHLS. In such cases, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
27. The Framework seeks to significantly boost housing supply. The proposal would provide one dwelling, which would positively contribute to the local housing supply. There is no compelling evidence that there is now a significant undersupply. This would nevertheless be a modest benefit of the proposal.

28. Paragraphs 124, 129 and 135 of the Framework seek to safeguard and improve the environment, ensure developments add to the overall quality of the area, are visually attractive as a result of good layout and appropriate and effective landscaping, maintain a strong sense of place and take account of the desirability of maintaining an area's prevailing character and setting (including residential gardens), among other provisions. Paragraphs 163, 164 and 166 indicate that the need to mitigate and adapt to climate change should be considered in preparing and assessing planning applications, seek to ensure new developments help to reduce greenhouse gas emissions and expect new development to comply with local requirements for decentralised energy supply, among other provisions.
29. The London Plan and Local Plan policies referred to above remain broadly consistent with the Framework in this regard. I thus apportion significant weight to the identified harm to the character and appearance of the area, the failure to provide satisfactory carbon emissions and water efficiency measures, and the associated development plan conflict. Accordingly, even if paragraph 11(d) were applicable, the adverse impacts identified above would significantly and demonstrably outweigh the modest benefits. The proposal therefore would not benefit from the presumption in favour of sustainable development.
30. Other than where set out above, I have not identified conflict with any other relevant parts of the development plan or national policy and guidance. However, the absence of harm or development plan conflict with respect to other relevant matters weighs neither for nor against the proposal.

Conclusion

31. While I have not identified harm or development plan conflict with respect to whether the proposal would have adequate car parking provision and the effect on highway and pedestrian safety, this does not outweigh the other harm and development plan conflict identified. The appeal proposal therefore conflicts with the development plan, taken as a whole. I have found no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR