



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: 05 March 2025

Appeal Ref: APP/P5870/W/24/3349928

19 Tavistock Road, Carshalton SM5 1QR

- 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 Sandra Cullip against the decision of the Council of the London Borough of Sutton.
 - The application Ref is DM2023/01596.
 - The development proposed is relocation of front entrance porch to number 19 and construction of 2 storey, 2 bedroom dwelling (referred to as 19A) to side garden plot of number 19.
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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 semi-detached dwelling and its associated curtilage at 19 Tavistock Road. It sits outside of the St Helier Estate Area of Special Local Character (ASLC) however it is within the wider estate which shares many of the same characteristics. The surrounding area is characterised by low-rise terraced and semi-detached dwellings of a similar age and style laid out in a geometric pattern. These are punctuated by public greens and incidental open space, with additional spacing at corners, such as at the appeal site, all of which positively contributes to the character and appearance of the area.

5. The existing dwelling is finished in a red brick with red roof tiles, a hipped roof design and a central chimney. It sits in a prominent corner plot at the junction of Tavistock Road and Tewkesbury Road, set back from the footpath at the front and side behind a semi open driveway and front garden, with a modest front boundary wall and fencing. The symmetry of the existing dwelling and adjoining property has been largely retained. A corresponding pair can be found on the opposite side of the neighbouring terrace, providing order and balance to the street scene. While one of these neighbouring semis features a two-storey side extension, this is set back from the principal front elevation and appears as a subservient addition.
6. The proposal would introduce an additional dwelling of a similar footprint, style and finish into the existing side garden area of No 19. It would be adjoined to the side of the existing dwelling, albeit would step forward of its principal front elevation. Though the hipped roof design would match that of the existing, it would be noticeably out of line, and the connection between the two would result in a contrived and uncharacteristic roof form. The positioning of the dwelling would not integrate well with the existing dwellings to form a convincing terrace. The proposed fenestration would also differ from the existing at the front, while the rear elevation would feature a large two storey expanse of blank brickwork.
7. The proposal would significantly unbalance the pair of semis and appear as an incongruous addition to the streetscene. While a garden area would be retained to the side, it would be at least partly enclosed by a tall fence and significantly smaller than the existing. This would considerably erode the open setting of the junction. Due to the proximity of the dwelling to site boundaries, the development would also appear somewhat cramped. Overall, it would detract from the prevailing pattern of development and spacious character and appearance of the area.
8. The site is located just over 300 metres from an Area of Potential Intensification (API), and a previous inspector¹ found that it is not essential for new housing to be located within APIs. Policy H1 of the London Plan March 2021 (the London Plan) seeks to optimise the potential for housing delivery on all suitable and available sites. However, neither of these factors overcome the need for the development to comply with other relevant development plan policies, including policy D3 of the London Plan, which requires a design-led approach to site optimisation. Given the harm identified above, it has not been demonstrated that the appeal site is a suitable site for the proposed development. Moreover, paragraph A(2) of Policy H1 refers to brownfield sites, the definition of which excludes land in built-up areas such as residential gardens, as set out in Annex 2 of the Framework.
9. My attention has been drawn to several recent planning permissions for new attached dwellings, which the appellant has referred to in support of the appeal. However, the Boscombe Road² and Epsom Road³ sites are in different parts of the Borough to the appeal site. The development at the Whitland Road⁴ site is well integrated with the existing terrace, and an area of open space has been retained at the corner of the junction. The example at Staplehurst Road⁵ does not relate to a new dwelling on a corner plot. All are materially different to the appeal scheme and site context, and they do not lead me to a different conclusion on this issue.

¹ Appeal Ref: APP/P5870/W/23/3330074

² Council Ref DM2023/01313

³ Council Ref DM2024/00221

⁴ Council Ref DM2018/01847

⁵ Council Ref DM2023/01222

10. 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 and Policy 28 of the Sutton Local Plan 2016-2031 February 2018 (the Local Plan). These policies, among other provisions, support optimising site capacity and increasing the housing supply, including on small sites provided they are well-designed, and seek to ensure that new development 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.

Carbon emissions and water efficiency

11. Policy 31 of the Local Plan requires minor residential development to achieve a 35% reduction in regulated CO2 emissions. It states that all applications for new dwellings should be supported by an Energy Statement. Local Plan Policy 33 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.
12. While the proposal is supported by an Energy Statement, this concludes that the development would achieve a 16.3% carbon emissions reduction from renewable technology and 20.1% overall reduction in comparison with the current Building Regulation standards. This falls short of the requirements of Local Plan Policy 31. Likewise, in the absence of water efficiency calculations, it has not been demonstrated that the proposal would comply with the requirements of Policy 33.
13. It is not clear at this stage, based on the evidence, 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.
14. The proposal would 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

15. The appeal site is in an area with a Public Transport Accessibility Level (PTAL) of 2, indicating 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. However, 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.
16. The appeal site currently provides space for at least two vehicles. The proposed plans depict a single parking space to the front of the proposed dwelling, in addition to a new parking space for the existing dwelling. The proposal would thus not increase the number of off-street spaces. However, it is unlikely that the proposal

would generate demand for more than one additional car parking space, given the modest increase in residents that would arise.

17. The proposal is not accompanied by a parking survey. 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 narrow, albeit on-street parking appears to occur on both sides. Most dwellings also 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 observed several free on-street parking spaces at the time of my site visit.
18. Given the modest increase in demand for on-street parking spaces that would be generated, 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.
19. I recognise that the proposed parking provision would require a new and/or extended crossover, which would be dealt with in a separate Footway Crossover application. The Council highlight that this would involve a site visit by the Crossover Engineer to determine feasibility, and that the maximum crossover width is 4 metres, with adequate clearance from the road junction required.
20. The existing crossover serves the area to the side of the existing dwelling, where the proposed parking for the new dwelling would be located. Any extension to the crossover here would be limited, and there would appear to be sufficient space before the junction to accommodate this. A new crossover would be required on the opposite side of the frontage, to serve the existing dwelling. However, this is an appreciable distance from the junction. There is therefore no compelling evidence to indicate that the proposed parking provision would be inaccessible.
21. While the Design and Access Statement proposes a high fence next to the parking space and immediately adjoining the footpath to the front of the property, the final details of any boundary fencing could be secured by planning condition, through which the height of the fence in proximity to the driveway could be limited in order to ensure adequate visibility.
22. 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 which, among other provisions, seek to ensure that development minimises any adverse impact on the highway network and provides appropriate car parking.

Other Matters

23. 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, though the appellant contends that either the Council can no longer prove a 5YHLS or it can, but it is marginal.

24. 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.
25. The Framework seeks to significantly boost housing supply. The proposal would provide one dwelling, which would positively contribute to the local housing supply. However, there is no compelling evidence that there is now a significant undersupply. This would nevertheless be a modest benefit of the proposal.
26. 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.
27. 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.
28. 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

29. 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