



Appeal Decision

Hearing held on 4 February 2025

Site visit made on 5 February 2025

by **JP Sargent BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 March 2025

Appeal Ref: APP/P5870/W/24/3352826

27-29 High Street, Carshalton, Surrey SM5 3AX

- 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 Maplespring Limited against the decision of the Council of the London Borough of Sutton.
 - The application Ref is DM2023/01097.
 - The development proposed is the demolition of the existing single storey building and the erection of a 3-storey building to provide 2 commercial units (Class E) at ground floor and 9 self-contained residential units (Class C3) at ground, first and second floor with associated amenity areas, provision of off-street car parking at rear, refuse and cycle storage and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Over the course of the appeal the appellant amended the submitted plans by removing the gates to the access, and deleting reference to materials. I have considered the scheme on that basis and consider no one is prejudiced as a result. At the Hearing the parties agreed the above description accurately described the proposal.
3. An application for costs has been made by the appellant against the Council, and that is the subject of a separate decision.

Main Issues

4. Although refused for 9 reasons, 4 of those fell away during the course of the appeal. As a result, the main issues in this case are
 - a) whether, through its built form and its effects on trees, the scheme would fail to preserve or enhance the character or appearance of the Carshalton Village Conservation Area (the conservation area), and whether it would harm its significance as a designated heritage asset,
 - b) the effect on the living conditions of neighbouring residents,
 - c) the effect on the living conditions of future occupiers and
 - d) whether the mix of flats proposed would be satisfactory,and, if harm would be caused by any or all of the above,

- e) whether there are any public benefits that outweigh any harm to the conservation area's significance, and any material considerations that justify a decision otherwise than in accordance with the development plan.

Reasons

Heritage impacts

The effect of the built form on the conservation area

5. The conservation area covers a large and diverse portion of Carshalton, encompassing housing of various ages, community buildings, parks, water features and the village's commercial core. Its character and appearance is therefore a varied mix of built form of differing layouts, styles and ages, interspersed with open areas of gardens, parkland or water, while its significance is in the way it reflects the evolution of the village from a collection of hamlets along the north side of The Downs, through to it becoming part of the London conurbation.
6. Due to the size of the conservation area, the *Carshalton Village Conservation Area Character Appraisal and Management Plan* (the CAMP) divides it into sub areas. The appeal site falls in Sub Area D, which is called *Carshalton High Street* and broadly covers the commercial core of Carshalton.
7. This Sub Area is focussed on High Street, with the south side of the road being lined generally by narrow 2 and 3 storey terraced properties of various ages. These stand at the back of the pavement and often comprise a retail use or similar on the ground floor, with residential above. Turning to the northern side of High Street, when approaching from the west, initially the road is similarly lined by what appear to be 2 and 3 storey terraces of various ages that are in retail and residential use and abut the rear of the pavement. Coming from the east the streetscape is slightly different, comprising the bowls club and the now derelict Fox and Hounds public house, with the tall theatre adjacent and, next to that, an older detached building set back behind a car park. Although not having the appearance of a terrace, the nature, form and detailing of these buildings mean they too add positively to this diverse conservation area. Overall, the preponderance of retail activity and similar on the ground floor, the quality of the built form, and the more intense nature of the development all serve to emphasise the role of this section of High Street as the conservation area's historic commercial centre.
8. However, on the north side of this road, in between the elements described above at the eastern and western ends of the Sub Area, are developments of a far more modern character. The appeal site appears to be about 50-60 years old and is now used as a pharmacy. It is a single storey unit, albeit with a taller ground floor front elevation than is found at the properties around, and it has a distinctive mono-pitched roof that slopes down from its frontage to a flat roof over the rear element.
9. To its east is Beacon Grove, which appears to be of a similar age. Seen from the front, this is a 3-storey flat-roofed block with shops and cafes on the ground floor and on the upper floors, set back behind balconies, are maisonettes. A wing runs off at the rear, and there is a detached 4 storey block at the back of the site.

10. On the west side of the appeal site is The Forge, which is a 3-storey block, albeit with the top storey mainly in the roofspace with gables and dormer windows. It was built following the grant of planning permission in 2018, but not in accordance with the approved plans, and so is subject to enforcement action. Indeed, following an appeal (the previous appeal decision), if various alterations to its appearance are not agreed with the Council and implemented within certain specified timeframes, it would be necessary to demolish the entire building to ground level. However, the alterations required would not change the arrangement of windows or rooms, and would not affect the overall uses in the building, but rather would be focussed more on altering the building's appearance. Given this, while I have been mindful that the total removal of The Forge could occur, the nature of the required works means that in my opinion that is extremely unlikely, and instead it is reasonable to assume it will remain but be altered in line with the previous appeal decision.
11. The enclosed nature of High Street to the east and west limits long-distanced views of the appeal site, Beacon Grove and The Forge. However, from where they can be seen, they do not make a positive contribution to the significance of the conservation area either collectively or individually. This is not so much because of their age, but rather because of their limited architectural value. In particular, the appeal site itself is of a discordant scale, being not only appreciably lower than other properties along High Street but also being wider than the rhythm and grain generally perceived in the older terraces. Furthermore, it is of a design that does little to reflect the historic character around. Similarly Beacon Grove and The Forge are at odds with the more nuanced and sensitive designs of the terraces to the west and south.
12. Indeed, the CAMP identifies Beacon Grove as making a negative contribution to the Sub Area, with its poor quality being a weakness, while the pharmacy lacks the historic character of the rest of High Street. Furthermore, Guideline SS4 of the CAMP seeks a comprehensive redevelopment of both the appeal site and Beacon Grove to create a new shopping frontage, while Policy 6 in the *Sutton Local Plan* (2018) identifies, as a long-term aspiration, the redeveloping of the pharmacy and Beacon Grove, to improve the appearance of the north side of High Street in order that it respects the key elements of the conservation area. This is followed through in the emerging Local Plan, which identifies Beacon Grove and the pharmacy as having poor design quality and a negative effect on the character of the conservation area.
13. In this regard the previous appeal decision found the building on the appeal site before me to be 'odd', and described the pharmacy and Beacon Grove as 'uninspiring'. Moreover, it also said that the changes it approved in relation to The Forge would not harm the conservation area, but added that would not mean they enhanced its character or appearance either. Similarly, in the Statement of Common Ground the parties agreed the appeal site has a negative effect on the significance of the conservation area. All these are views I share.
14. At the Hearing the Council confirmed what was already stated in the various documents above, namely it was acceptable in principle to demolish and replace the pharmacy. Furthermore, it also said it had no objections to ground floor commercial uses with residential above, and that a suitably designed frontage development of some 3 storeys would be acceptable to reflect the nature of the

surrounding buildings. Moreover, the need for parking/servicing meant a vehicular access to the rear would be expected.

15. I consider the scale and proportions of the proposal's frontage to be satisfactory. Being 3 storeys high it reflects what is around, and although the slope of the roof on the rear gables is shown on the elevational plans, that would be set some way back and would be scarcely apparent when directly in front of the proposal at ground level. I also find that the nature of the elevation substantially accords with the grain of what is around, as it comprises 2 ground floor shop units, firmly separated by a substantial brick pier, with sets of double windows above creating a vertical emphasis akin to that of the older terraces on High Street. I accept that the buildings to either side are of poorer quality, while Grove Hall and 1-4 The Green, identified as unlisted buildings of merit, abut the northern and western boundaries. However, these unlisted buildings of merit are not now appreciated from the front, and indeed being single storey are at odds with the denser, more intense character of High Street. As such, from this side they should not be used to define the frontage's context.
16. Although the front elevation would be taller than that of either Beacon Grove or The Forge, there is a degree of variation in the height of buildings in the vicinity, and I consider any such difference would not be sufficient to make the scheme unduly dominant. This would be especially so as the separation between the 4 gables would bring relief to the elevation's topmost element. Concern was raised about the introduction of these gables, but I see no reason why, if suitably detailed, these need to be discordant. Indeed, I accept that detailing overall is likely to be important, but mindful that materials, windows, drainage goods, panels of brickwork and other similar elements could all be agreed under conditions, they need not be a decisive concern at this stage.
17. The blank side wall projecting beyond the frontage of The Forge would be apparent when looking from the west. Blank or relatively blank end walls and gables are not uncommon across the conservation area though, and I see no reason why this should be deemed harmful.
18. Behind the front 3 storey block, it is proposed that the building would continue, at the same height, in 4 modules or 'units' that ran across the site, parallel to High Street, and each would have its own gable on either side of the building. In accepting the redevelopment of this relatively sizeable site, it is reasonable to anticipate that any scheme would include some rear element. I accept that historically, before the pharmacy was there, the land was developed in depth, but I have no particular evidence to show the height of such works.
19. The orientation and position of the ridges on the rear 'units' would not be comparable to anything in the vicinity. However, there was, nonetheless, a great diversity in roof forms in the surroundings, and so, of itself, that does not render the scheme alien or jarring.
20. It was also the Council's contention that this rear element would be too tall and would lack any sense of subservience. When looking from the front down the access to the side of Beacon Grove, the northernmost pair of rear 'units' would be set back and scarcely visible. As a result, the full depth and scale of the building would not be readily apparent and, in any event, the opportunity for such views would be limited. Looking down the proposed access from in front of the site, the

western elevation would not be as staggered. However, the access would not be wide, and so it would allow only restricted sight of the rear element. In the brief, oblique viewpoints from where it could be seen, there would be relief and variation in the extent of each individual 'unit', again breaking up the overall impression of the elevation's scale when seen from here.

21. The rear element could also be seen behind the terrace containing 1-4 The Green when in the car park to the west. This car park seems to be well-used as it not only provides parking for those visiting the nearby shops, but also allows pedestrian links between Grove Park to the north and the commercial centre of Carshalton. From here, the upper storeys of the scheme's rear 'units' would be readily apparent over the alms houses. The most noticeable of these would be the 2 northernmost ones, though the 2 other 'units' closest to the front block would be apparent behind The Forge, especially in angled views from the north-east. The scheme would be taller than The Forge, as the eaves of the new building would be at a height that was roughly comparable to the ridge of the front element of that neighbouring premises with the 4 gables rising above. Moreover, as the uppermost floor of The Forge is in a roof slope, and as the rear wing of that property is somewhat lower, its ability to conceal when seen from the back is reduced.
22. In my opinion, these 4 'units' at the back of the scheme would offer no sense of subservience to the front part, as tends to be common with rear elements around. Instead, collectively they would form a large block of development that would relate poorly to its context due to its height (both in absolute terms and relative to the frontage element) and its scale. As a result, and mindful of its prominence from the car park and the approach to the park, it would be a striking and discordant element in the location generally and in the conservation area in particular. It would therefore be at odds with the historic pattern of development in the vicinity, and would cause harm to the significance of the conservation area.
23. The scheme's east elevation would be seen in the context of the rear of Beacon Grove and its car park, which of themselves, add little to the significance of the area. Furthermore, on this side the 'units' would be stepped as they extended rearwards. However, whilst these factors would reduce the impact of the scheme's rear element, it would still appear as a dominant block that offered little sense of subservience, relating poorly to and diminishing the historic form of the conservation area. As such, in this view too there would be harm to the significance of the designated heritage asset.
24. In assessing the impact on these 2 viewpoints, I accept there is development of an appreciable scale behind Beacon Grove and also at the theatre. I accept too that these now form part of the conservation area's character and appearance, and so, whatever their merits, inform the wider context. However, the rear wing of Beacon Grove is narrower and, with the exception of what I understand is a subsequent addition at its northern end, is generally lower than the frontage block, and so maintains a sense of subservience. Furthermore, the 4-storey block behind is detached and an appreciable distance further back, and consequently reads as a separate development. I noted too that the theatre is of a distinctive design befitting a community building and so not comparable to what is before me. In any event, when looking from the west of the scheme, even in winter neither Beacon Grove nor the theatre is readily apparent from this car park. Indeed the appellant appeared to accept development at Beacon Grove detracted from the character of

the area by reason of the height and roofscape, and so to my mind clearly it contains elements that should not be replicated. Any screening of these by the scheme when looking from High Street could be achieved by the front portion and does not justify rear 'units' of similar height. As such, although I have taken them into account, these existing developments do not lead me to different findings.

25. Finally, the parking, servicing and garden beyond the northern elevation of the proposal would ensure a sense of openness would remain at the back of the site. Whilst the rear elevation may be visible from the park on the other side of Grove Hall, such views would be limited and distant, and would be restricted to the upper floor and roof slope. As such they would not be harmful when seen from that direction.

The effect on trees

26. On the site behind the pharmacy building are, at the moment 13 trees or groups of trees. These are mainly around the edge of the site, and while 4 are deemed category B, the remainder are in categories C or U. They generally tend to be self-seeded, and show little sign of programmed maintenance. It is not common to see trees within the curtilages of properties on this side of High Street. However, when looking from the north, east and west, in the summer months they no doubt establish a comprehensive canopy over the back of the site. Consequently, they form a connection with the park behind, soften the built form of the conservation area and emphasise its established nature. They therefore make a positive contribution to its significance.
27. Given the Council's aspiration to redevelop this site, and mindful of the need for servicing and parking provision, some loss of this tree cover would be expected, and it is difficult to see how, in such a scenario, the coverage of the crowns could be as comprehensive. However, 2 of the B category trees would remain, and opportunity would exist for some limited (and as yet unconfirmed) planting around, although this would, of course, take time to become established. Moreover, to my mind tree cover this extensive adjacent to Carshalton's commercial core is not necessary to maintain the significance of the designated heritage asset. As such, I consider that, while appreciably reduced in number, trees on the site would continue to make a positive contribution to the significance of the conservation area and the diminution proposed would not be harmful.

The effect on non-designated heritage assets

28. Both Grove Hall to the rear and 1-4 The Green to the west are defined in the CAMP as unlisted buildings of merit and so I have treated them as non-designated heritage assets. Although the Council cited a concern about the adverse effects of the scheme on these buildings, it provided me with little assessment of their significance or history.
29. Grove Hall is a single storey building that seems to have originally been an outbuilding for Grove House, which is located a few metres to its north-west. Its significance therefore rests in its probable historic link to that property, as well as in its attractive detailing, especially around the windows. Although lying within Sub-Area D of the conservation area, its setting is very much defined by its location within the park rather than its relationship to the commercial activity on High Street. This is not only because of its origins in relation to Grove House, but also by the manner in which it is embedded in the park's landscaping, and it is

separated from the appeal site along much of its southern boundary by a substantial wall. I am aware too that the northern elevation of the proposal would be some way back, and so the sense of Grove Hall sitting within an area of parkland would be maintained. I therefore conclude that the effect of the scheme on the setting of that non-designated heritage asset would not harm any significance it enjoys.

30. The single-storey terrace of alms houses, that accommodates 1-4 The Green, runs down the western side of the appeal site, immediately to the rear of The Forge, and faces onto the public car park beyond. This terrace is pebble-dashed, and although having a certain charm and being of a pleasant appearance, it seems to contain few architectural details of note. There is a date stone of 1912 on the west elevation, although maps from the 19th century show a development with a similar footprint in what appears to be the same place. Either way, it is clearly a building that has been part of the centre of Carshalton for an appreciable time, and so for this reason has a historic significance.
31. As stated above, when on the car park looking eastwards towards the front elevation of the terrace, the proposal would be visible behind. However, there is presently an awareness of The Forge to one side and, being adjacent to the commercial activity around High Street, it is not unreasonable to expect taller buildings nearby. Overall, I consider this would still be appreciated as a small historic terrace on the edge of the commercial centre of Carshalton, and so any impact the proposal would have on the setting of this terrace would not cause harm to its significance.
32. I accept I have found the element of the scheme visible above this row of alms houses would harm the significance of the conservation area. However, the significance of that is not the same as the significance of this non-designated heritage asset, and so different findings can be made.

Other heritage assets around

33. A number of other listed buildings are scattered along High Street, and the significance of each varies depending on their own circumstances. However there is not a strong functional or visual inter-relationship between any of these and the appeal site, and so none would have their significance harmed by the effect of the scheme on their setting.

Conclusions on this issue

34. The statutory test is that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. It has long been established that preserving the character and appearance is sufficient to satisfy this test. This is reflected in the *National Planning Policy Framework* (the Framework), which says great weight should be given to an asset's conservation, with any harm to its significance requiring clear and convincing justification.
35. I have found that the existing pharmacy has a negative effect on the character and appearance of the conservation area by reason of its design and scale, and harms the area's significance. I recognise the Council's strong aspiration to redevelop this site, I accept that built form across the conservation area is eclectic, and I note the Framework seeks to achieve the site's '*optimum viable use*'. However, none of

these means that any form of redevelopment is necessarily acceptable here. Rather, the tests in legislation and national policy still have to be met, and consideration given to whether, in resolving one area of harm caused to the conservation area, a scheme does not create harm of a different type.

36. Furthermore, I see no reason why, even within the context of those tests, the requirement for good design found in Framework paragraph 135 should not also be applied. Otherwise, there is the prospect of accepting poor design in conservation areas just because it would be preserving the character and appearance by redeveloping an existing site of poorer design or appearance.
37. From the front the scheme would benefit the conservation area by improving a site of poor character, and by introducing a building that better reflected the nature of High Street in terms of its design and scale. As a result, it would enhance the area's significance. I also acknowledge that the significance of adjacent non-designated heritage assets would not be harmed, and while the tree cover on site would be reduced, sufficient would remain to maintain a suitable presence.
38. However, when seen from the east and west, the discordant scale of the rear element would cause harm to the conservation area's significance. The nature of the harm caused by the pharmacy at the moment is clearly different to this harm that I have identified with the proposal. For all its failings though, the existing building is now an accepted part of the conservation area. In contrast, I consider the effect of the proposed rear 'units' from the car park would be a new and strident element of harm, which would not be sympathetic to local character and history (including the surrounding environment). On balance, I find this new element of harm would outweigh any benefits to the significance of the conservation area that the scheme would otherwise bring.
39. Accordingly, I conclude that on balance the proposal would cause harm to the conservation area's significance. However, given the relatively localised impact and the size of the conservation area as a whole, I consider the significance of this designated heritage asset could not be said to be vitiated altogether or very much reduced. As a result, I find the harm to be less than substantial. Moreover, for this reason I also conclude that as it would not be sympathetic to local character and history (including the surrounding environment) it would conflict with *Sutton Local Plan* Policy 28, Policy D3 in *The London Plan 2021* and the Framework, which seek good design that respects the local context and responds to local character and heritage assets.

Neighbours' living conditions

Beacon Grove

40. Each maisonette on the upper floor levels of the Beacon Grove frontage block has a large south-facing balcony overlooking High Street and a smaller terrace at the rear by its main entrance. The block is separated from the appeal site by the access to Beacon Grove's car park.
41. The maisonette closest to the appeal site, at the west end of the frontage block, is 9 Beacon Grove. The resident here has opted to use her smaller rear terrace as her main outside space, rather than the larger balcony at the front. This, to my mind is not unreasonable. Although it is not as sizeable and has less sunlight, it is screened to an extent from the noise and fumes of High Street, and it has an

aspect towards the park and the trees on the appeal site. Moreover, being at the end of the block people accessing the other maisonettes would not be passing and so, when taken with its rearward aspect, it would have a degree of privacy.

42. In built-up areas such as this it is reasonable for there to be some compromise in the privacy experienced in outside gardens and terraces, due to the inevitable proximity to nearby properties. Indeed, this rear terrace can be seen to a degree from the access to the other frontage maisonettes, and is also overlooked to some extent by a number of the other units in Beacon Grove.
43. The appeal scheme would result in more windows, as well as new balconies, facing the outside area favoured by the resident of No 9. From the windows and balconies closest, any views though would be appreciably impeded by the walling and fencing along that side of the neighbour's terrace. Although the new building would then extend further northwards, the distance from the terrace, the set back from the boundary, the angles involved and the staggered arrangement of the elevation all mean opportunity for overlooking from the more rearward elements of the scheme would be limited. Any resultant loss of privacy would therefore not be unacceptable.
44. This maisonette also has a kitchen window on the rear elevation of its lower floor and a bedroom on the floor above, but any inter-visibility between these and the scheme would not be harmful due to the angles involved, the stepping of the proposal away from the boundary, the walling/fencing by the terrace and, in the case of the bedroom, the projecting wing at No 9. There is also a bathroom window on this elevation but having obscured glazing means it should not experience undue overlooking.
45. With regard to the proposal's effects on daylight and sunlight, the development would be separated from this neighbouring maisonette by the intervening access and most of it would lie to the north-west. Furthermore, the scheme's top floor would be at a similar height to the top floor of No 9. Given these factors, and also taking into account the walling/fence at the edge of the terrace, I consider that neither daylight nor sunlight would be reduced unduly.
46. Finally, I accept that from the rear of No 9 there is a pleasant view over the trees at the back of the appeal site. However, it is not the purpose of the planning system to protect an individual's view and so this is not a matter that can be a basis to resist the scheme.
47. Other properties in Beacon Grove also look towards the proposal but the separation and/or the angles involved mean there would be no adverse effects on the living conditions of those residents.
48. Overall, I conclude that the scheme would not have an unreasonable effect on the living conditions of Beacon Grove. It would therefore not conflict with Policy 29 in the *Sutton Local Plan*, which amongst other things aims to protect the living conditions of neighbouring residents with consideration being given to the sense of enclosure and to the effects on daylight, sunlight and privacy.

1-4 The Green

49. No 4 The Green is the southernmost bungalow in the terrace, and is immediately behind The Forge. Its triangular back garden is about 4m deep on its northern

side, though tapers away to virtually nothing at the southern end. All told, the proposed building would be about 10.5m from the rear elevation of No 4, separated by that dwelling's garden, the boundary fence and the site access. I was unaware of the uses of the rear rooms in this property. It appeared though that the window closest to The Forge was in use as a boiler room, while the next was possibly a bathroom and then a kitchen.

50. When I visited it was a bright morning with the sun to the south-east. Moreover, being February there were no leaves on the trees along the boundary between the site and No 4. Even in these circumstances though the trees appreciably shaded the back garden and rooms of this dwelling. As such, irrespective of the uses of the rear rooms, I consider any impact the scheme may have on daylight or sunlight at No 4 would not be unacceptable. Similarly mindful of the effects in the fencing and trees at the moment, I consider any sense of enclosure created by the scheme would not be a basis for its resistance. Windows facing this property, would have obscured glazing, while the north-facing balconies on the development would have screens at their western ends, so privacy would not be affected.
51. Although the other 3 bungalows in The Green have views towards the proposal, the separation and/or the angles involved mean there would be no adverse effects on the living conditions of those residents
52. Accordingly, I conclude that the scheme would not have an unreasonable effect on the living conditions at 1-4 The Green, and so would not be in conflict with Policy 29 in the *Sutton Local Plan*,

The Forge

53. An outside amenity space is to the rear of The Forge. This though is already hemmed in by a tall fence on the boundary, and by the rear elevation of the building itself, while the amenity area has a roof over it. I understand there is no requirement under the previous appeal decision for this roofing to be removed, and so it is fair to assume it will stay. As such the proposal would not have a material effect on the sense of enclosure or light levels in this outdoor space.
54. In the east elevation of The Forge, more or less on the boundary with the appeal site, there are 3 first floor windows. The one nearer the front I was told served a lounge while the 2 nearer the back were to a bedroom. These windows would directly face the side elevation of the front portion of the proposal, across the intervening access to the intended rear car park.
55. The appeal scheme proposes bedroom windows to Flats 4 and 8 opposite these bedroom windows at The Forge. However, these proposed windows are to be fitted with projecting triangular frames, one plane of which would have obscured glazing. As a result, there would be no overlooking of this neighbouring property.
56. There may well be some interference with the levels of daylight and sunlight that these neighbours in The Forge currently enjoy. For the lounge that should not be a problem as I was told that room was also served by windows on the south-facing elevation. In relation to the bedroom, the technical submissions from the appellant showed these effects would not be unacceptable, given the limited sunlight that would be experienced by these east-facing windows, and mindful that, being on the first floor, the appeal scheme is only one storey higher. I have no reason to consider differently. However, the limited separation and the height of the

development, mean the outlook from the bedroom would be constrained to an unacceptable degree by what is before me.

57. Accordingly I conclude that the harm to the living conditions at The Forge as a result of the impact on outlook would result in conflict with *Sutton Local Plan* Policy 29.

Residents' living conditions

58. *Sutton Local Plan* Policy 9 says that the Council will not grant planning permission for residential development that does not provide adequate private amenity space. This, it says, will be considered on a case-by-case basis, with reference to the minimum standards in the Council's *Urban Design SPD* from 2008 (the SPD). The SPD advises that, concerning accessible private garden space, 3 bed units should have 70m² and 2 bed houses should have 40m², while for flats (with no size stated) 25m² needs to be provided. However, *The London Plan 2021* Policy D6 states that 'where there are no higher local standards in the Borough' 5m² should be provided for 1-2 person dwellings, with a further 1m² for each occupant.
59. There seems no justification to require space in line with the figure of 40m² in the SPD, as this scheme includes no houses. Furthermore, as flats have their own specific requirement, I assume the 70m² figure also concerns housing so is not relevant. Mindful of the range that would still exist between the standards in *The London Plan 2021* and the SPD, at the Hearing the Council accepted my decision should be based on the former despite the higher local standard in the latter.
60. The ground floor flat would open straight onto the rear garden area. Of the remaining 8 flats, which are all to be located on the first and second floors, 5 would have access to their own balcony. The remaining 3 would have a dedicated part of the garden area for their use, while beyond the car park, adjacent to the Grove Hall boundary, would be a further communal garden area. Moreover, I am aware that the park is only a short walk away. Taking all this evidence together, and mindful of the standards in *The London Plan 2021*, and indeed the higher local standards in the SPD, I consider there would be adequate outdoor amenity space for the residents of the scheme.
61. It was said that the dedicated garden areas for Flats 4, 8 and 9 would be overlooked from other flats. That though is not an unusual situation with apartment schemes such as this, whether the garden is divided for the use of specific flats or, more commonly, a communal provision is favoured. Indeed such overlooking is difficult to avoid. As such, I consider any loss of privacy would not be unacceptable in this apartment block.
62. While Flat 7 would have only a single aspect, I see no harm necessarily resulting from this. Indeed in Policy D6, *The London Plan 2021* gives specific guidance about single aspect accommodation, implying there is no problem in principle with such a layout. Nothing before me demonstrates that this arrangement would cause issues of privacy, ventilation, overheating or daylight, and given this I accept it contributes to optimising the site's capacity. Finally, although the triangular, part obscured windows would restrict outlook from bedrooms in Flats 4 and 8, this would not be to an unreasonable degree.
63. Accordingly, I conclude the proposal would not result in unacceptable living conditions for future residents, and so would not be in conflict with Policy D6 in

The London Plan 2021, while any conflict with the *Sutton Local Plan Policy 9* would not be a basis to resist the scheme.

Housing mix

64. *Sutton Local Plan Policy 9* says that new residential development should include a mix of dwelling sizes. It adds that all developments outside Sutton Town Centre should seek to provide a minimum of 50% of all dwellings as having 3 bedrooms or more ‘*unless it can be demonstrated this would be unsuitable to the location or not viable*’.
65. Policy H10 in *The London Plan 2021* says schemes should consist of a range of unit sizes, with the precise mix having regard to numerous factors. Overall, this policy appears more flexible than the slightly older Policy 9 in the *Sutton Local Plan*. However, despite this, *Sutton Local Plan Policy 9* allows development of a lesser percentage if viability or unsuitability can be demonstrated, and I assume it is this flexible interpretation that is shown in many of the various cases elsewhere to which I was referred.
66. The scheme is outside Sutton Town Centre and only one of the 9 units, or roughly 11%, would be 3 bed roomed. It therefore would not meet the minimum requirement of *Sutton Local Plan Policy 9*.
67. No viability evidence has been forthcoming from the appellant to show a higher proportion of 3-bedroomed flats cannot be achieved. Moreover, the Council said there was need for larger units in the Borough, and although little evidence was submitted to support this the appellant did not contradict the position to any great extent. If at least 50% of units in the scheme were to have 3 bedrooms or more it would result in a reduction in the overall number of units on the site, when compared to the alternative of using a similar built form to deliver 1 or 2 bed apartments. However, this is an inevitable consequence of the application of the percentage found in *Sutton Local Plan Policy 9*, and it is reasonable to assume it was a factor that was accounted for when the policy was drafted. As such, the contention that smaller flats should be pursued merely to maximise the unit numbers here is not something I accept. Moreover, the site is not inherently unsuitable for 3-bed flats just because it is a place where there is a stronger market for 1 and 2 bed units, as presumably it is only in such places where the policy would bite. There is also no certainty that approving this scheme would necessarily free up under-occupied family homes elsewhere in the area as the units it delivers could be occupied by those living as, say, concealed households at the moment. Rather, the only way to ensure more 3-bedroomed housing becomes available is to secure it through new development. These factors therefore do not support the combination of different sized flats now before me.
68. Having said all that, criterion 6) of Policy H10 in *The London Plan 2021* says that, to determine the appropriate mix of unit sizes, regard should be given to the nature and location of the site, ‘*with a higher proportion of 1 and 2 bed units generally more appropriate in locations ... with higher public transport access and connectivity*’. This is such a location. It has a higher level of access to public transport than much of the Borough, with numerous bus services passing along High Street and the railway station a short walk away. As such, the delivery of a higher proportion of 1 and 2 bed units is a matter to which regard should be given under that criterion and no particular reason was offered by the Council to suggest

it should be put aside. I am mindful too that, as well as seeking 3 bed units, *Sutton Local Plan* Policy 9 identifies a ‘*pressing need*’ for 2 bed units as well, 5 of which are found in this scheme.

69. Therefore, I do not perceive a conflict with *The London Plan 2021* Policy H10. Given this, and mindful it is more recent than the *Sutton Local Plan*, I consider the need to take into account the policy requirement to have regard to securing a higher proportion of 1 and 2 bed units generally in locations with higher public transport access and connectivity is sufficient to mean that a greater preponderance of 3-bed units here would be unsuitable, and the mix now proposed is satisfactory. As such, the scheme would not be in conflict with *The London Plan 2021* Policy H10 or *Sutton Local Plan* Policy 9.

Other Matters

70. The removal of the gates mean appropriate access is achievable. Consequently, the scheme would not compromise highway safety, whether through traffic flows or parking demands. Conditions could ensure suitable biodiversity enhancements.
71. Although a conflict with *Sutton Local Plan* Policy 18f) was suggested, as the scheme is not for a conversion or change of use that criterion does not apply.

Public Benefits, Other Considerations & Balance

72. Accordingly I have found harm, albeit less than substantial, would be caused to the conservation area. The Framework states that heritage assets are an irreplaceable resource, and great weight should be given to an asset’s conservation. It adds that any harm to the significance of a designated heritage asset requires clear and convincing justification. Moreover, if less than substantial harm is caused to its significance, that harm should be weighed against the public benefits. The appellant has cited a number of matters to be assessed in this balance, each of which I will examine in turn.
73. With regard to the Council’s aspirations to see the site redeveloped, it is fair to assume that would be in the context of any redevelopment not harming the significance of the conservation area but preserving its character and appearance. While I accept the proposal would therefore be removing an acknowledged negative feature from the conservation area, in the light of the harm to the designated heritage asset any weight to be given to achieving the Council’s aspirations must be limited. Similarly, putting aside the fact that I have no substantive information about viability, I am not satisfied this can be defined as the optimum (or best) viable use of the site given the harm I have identified. I appreciate too that the development would be making use of previously developed and under-utilized land, which is strongly promoted in the Framework, and particularly in paragraph 125c). Again though I have no basis to consider that, in this instance, this aim should outweigh the statutory tests, or the great weight that, in its Chapter 16, the Framework places on the conservation of heritage assets.
74. Whilst the appellant has referred to this mix and level of development being necessary for viability reasons, I have insufficient evidence to substantiate that point so I am unable to afford it even moderate weight.
75. Turning to the potential traffic benefits, it was said that the scheme would result in fewer trips to and from the site, mainly because of the reduction in retail floorspace.

Even if this would be so, I am not aware of any problems arising in this regard at the moment, and the reduction cited would, in my opinion, be scarcely of note when weighed against the volume of movements in Carshalton District Centre. Moreover, the contention that 2 smaller shops would bring greater benefits to the vitality and viability of the District Centre than a single larger retail unit seemed to be based on anecdotal evidence, and is, to a great extent, dependent upon the occupiers. I therefore do not give significant weight to these matters.

76. However, I nonetheless accept that there would be economic benefits through increased footfall and spending, both during the construction phase and afterwards. There could also be some ecological benefit if suitable conditions are imposed. Moderate weight is therefore afforded to these matters.
77. Moreover, while this development is not needed to meet the Council's housing land supply requirements, it would nonetheless be boosting the delivery of housing, in line with Government policy in the Framework. I also accept that this would be a contribution towards achieving the level of delivery on small sites that is sought through Policy H2 in *The London Plan 2021*. I afford these considerations significant weight.
78. Therefore, while I recognise the benefits of the scheme, including those arising from additional housing and small site delivery, I consider that the potential of developments in conservation areas in relation to these matters may often be restricted to a degree by the requirements of the statutory test and the Framework. To my mind, these public benefits, even if taken together, do not outweigh the less than substantial harm I have identified to the significance of the conservation area, and the great weight that should be given to this asset's conservation. As such, the scheme would conflict with Policy 30 in the *Sutton Local Plan*, which expects development to conserve the elements that contribute to the special character and appearance of conservation areas.
79. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* says development should be in accordance with the development plan unless material considerations indicate otherwise. In relation to the harm to the living conditions at The Forge, the benefits of redeveloping the appeal site with a taller frontage block, the location of the windows in question virtually on the boundary, and the fact that they serve a bedroom with other rooms in the flat no doubt having more open aspects, when taken together, are sufficient to mean they constitute a material consideration sufficient to justify a decision otherwise than in accordance with *Sutton Local Plan Policy 29*.
80. However, having found the scheme's public benefits would not outweigh the heritage harm, I conclude the material considerations offered by the appellant and discussed above, even if taken together, would not be sufficient to justify a decision otherwise than in accordance with Policies 28 and 30 in the *Sutton Local Plan* and Policy D3 in *The London Plan 2021*.

Conclusion

81. I therefore conclude that the appeal should be dismissed.

JP Sargent

INSPECTOR

APPEARANCES AT THE HEARING

FOR THE APPELLANT:

J Cooke	Heritage consultant
D Mistry	Daylight & sunlight consultant
M Smith	Planning consultant
A Williams	Counsel, instructed by D&M Planning Limited

FOR THE LOCAL PLANNING AUTHORITY:

E Bucton	Arboricultural Officer
K Johnson	Area Planning Manager
B Rochford	Senior Planning Officer

INTERESTED PARTIES:

Cllr A Jenner	Borough Councillor for Carshalton Central
---------------	---

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

FOR THE APPELLANT:

APP1: A3 versions of the submitted plans

APP2: Suggested conditions (dated February 2025)

APP3: *Green Roofs Planning Advice Note 1* by the London Borough of Barking & Dagenham

APP4: Drawings of intended obscured glaze windows

FOR THE COUNCIL

LPA1: Email to the Planning Inspectorate confirming agreement with the wording of the conditions in Document APP2 (dated 13 February 2025).