



Appeal Decision

Site visit made on 11 March 2025

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2025

Appeal Ref: APP/P5870/W/24/3353099

Flat above 26 Station Road, Sutton, Belmont SM2 6BS

- 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 Glen Watkins of Watkinscole Properties against the decision of the Council of the London Borough of Sutton.
 - The application Ref is DM2024/00296.
 - The development proposed is demolition of existing lean to and erection of 2.5 storey rear extension. Current residential dwelling to be converted into 5no. flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form as no confirmation that a change was agreed has been provided and it is sufficiently precise.
3. A Hybrid Parking Survey/Transport Statement (parking survey) and revised plan showing the division and layout of the external area of the site were submitted at the time of the appeal. As the Council and other parties have had opportunity to comment on these, they would not be prejudiced by my taking them into account. However, as a further revised drawing was only provided with the appellant's final comments, the Council and other parties have not had chance to comment on it. I have not considered that drawing as these parties would be prejudiced if I were to do so.
4. Following submission and assessment of the parking survey, the Council no longer wish to pursue the reason for refusal relating to highways safety and parking.

Main Issues

5. The main issues are:
 - Whether the appeal site is an appropriate location for the proposed development with regard to the local development strategy,
 - Whether the proposed development would provide appropriate living conditions for future occupiers of flat 1 with regard to privacy, noise and odour and for all units with regard to waste management, and
 - Whether the proposed development would achieve appropriate resource efficiency.

Reasons

Development Strategy

6. Policy 10 of the Local Plan seeks to resist the loss of residential accommodation and conversion of existing dwellings to new self-contained housing units unless certain criteria are met. Although specifically semi-detached properties are said to not be suitable for conversion and does not refer to conversion of existing flats, the policy requirements do not differentiate between the type of dwelling.
7. The appeal site is not within an Area of Potential Intensification and its gross internal area excluding extensions and loft space would be less than 125sqm. Therefore, the proposal would be contrary to the conversion element of Policy 10.
8. The proposal would create 1-bedroom units of varying sizes that meet the internal space standards. However, Policy 10 identifies 2 and 3 bed units as being those most needed. The existing dwelling is a 5-bedroom unit set over several floors. There is no clear evidence that this layout, design or the current condition of the dwelling creates any specific issues or that it detracts from the quality of housing. Being only one dwelling at present, the loss would be modest. Nevertheless, it has not been shown that the proposal would result in better-designed, higher-quality new housing. Consequently, the scheme would not meet the loss of residential accommodation criteria.
9. As such, the appeal site is not an appropriate location for the proposed development with regard to the local development strategy. The scheme would fail to accord with Policy 10 of the Local Plan.

Living Conditions

10. Access to the bin storage area and communal garden would pass the bedroom window for flat 1. The position of the window is not shown on the elevation plans. However, while said to be high level, the dimensions on the floor plans indicate a relatively large window. This would be the only window for the room and there would be very close-range direct views into the bedroom. This would prevent acceptable privacy levels for occupiers being achieved.
11. There would be some noise and disturbance from the comings and goings associated with accessing the shared facilities. Notwithstanding this, the number of occupiers and times they would need to use bin storage, would not result in significant movements.
12. Given the densely developed context of the appeal site, the overall size of the proposed outdoor space would be appropriate. A separate area would be created for the occupiers of flat 1 with boundary treatments to prevent overlooking into the room served by the rear doors. Although accommodating bin and cycle storage, there would still be a communal area for the occupiers of the remaining units to use. The scheme would accord with Policy 9 of the Local Plan in that regard.
13. While bin storage would be close to the ground floor openings of flat 1, boundary treatments would largely screen views of the bins. Further details of the boundary treatments, bin enclosure, and landscaping could be covered by condition were the appeal to be allowed. Given the space available a layout that would prevent unacceptable levels of privacy and odour could be achieved.

14. Sufficient space would be provided to accommodate bin storage that would be close to the rear of the site which is relatively level. The evidence before me indicates that collection would be as currently takes place for the appeal site and other properties in the row along the rear lane. As such, appropriate facilities to deal with waste would be provided.
15. Nevertheless, the proposed development would not provide appropriate living conditions for future occupiers with regard to privacy for flat 1. It would fail to accord with Policies D6 of the London Plan and Policy 29 of the Local Plan where they, in part, seek to ensure sufficient amenity and privacy for future occupiers.

Resource efficiency

16. Policies SI 2 and SI 4 of the London Plan and Policies 31 and 33 of the Local Plan seek to minimise emissions, setting out energy efficiency and usage targets. This includes ones over and above Building Regulations standards.
17. The Energy Statement fails to show that the development would achieve the carbon reduction and renewable energy generation targets. In addition, no details of the proposed solar PV array are provided or calculations to demonstrate that the water target could be met. Nevertheless, while further information is needed, there is no clear case that these targets are unachievable or unrealistic at the appeal site. As such, conditions could be imposed to require the submission and agreement of these elements were the appeal to be allowed.
18. Therefore, the proposed development would achieve appropriate resource efficiency. It would accord with standards and energy efficiency aims set out in Policies SI 2 and SI 4 of the London Plan and Policies 31 and 33 of the Local Plan.

Other Matters

19. The proposal would provide additional housing units and align with the aim to significantly boost to the supply of housing in the Framework and where it says small and medium sized sites can make an important contribution to meeting the housing requirement of an area. There would also be social and economic benefits associated with the build and occupation of the units to the wider area. These benefits would each be small given the scale of the scheme. The proposal would be contrary to the local development strategy and fail to provide sufficient privacy for the occupiers of flat 1. A lack of harm from other considerations are a neutral factor.
20. Other proposals cited where conversion or subdivision was allowed contrary to Policy 10 of the Local Plan are similar in terms of principle. However, as they would not have the same arrangement and living conditions concerns which forms part of the planning balance, they are materially different to the scheme before me.

Conclusion

21. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

Stuart Willis

INSPECTOR